

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5733 of 2024

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Ful Mohamad @ Ful Mahamad Son of Late Md Musha Resident of Vilalge-
Near Urdu School, Harihans, P.S.-Hussainganj, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Saran at Chapra.
3. The Collector-Cum-District-Magistrate, Siwan.
4. The Sub Divisional Officer, Siwan.
5. The Circle Officer, Hussainganj, Siwan.
6. Manoj Kumar Sharma Son of Late Shiv Bachan Sharma Resident of Village and P.O.-Harihans, P.S.-Hussainganj, District-Siwan.
7. Arvind Kumar Son of Ram Bachan Sharma Resident of Village and P.O.-Harihans, P.S.-Hussainganj, District-Siwan.
8. Bidya Sharma Son of Bhola Sharma Resident of Village and P.O.-Harihans, P.S.-Hussainganj, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Respondent/s : Mr.Standing Counsel (24)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-06-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1. I. To issue a writ in the nature of "Mandamus" or
any other appropriate writ/writs, order or orders,
directions the Respondents to remove the
encroachment made over the Gairmajarua Aam
Rasta a piece of land vide land reference Mauza
Harihans, Thana No. 362, Khata No. 1104, Survey
No. 6163, 6165, Area 4 Katha 18 Dhurki over which
Private Respondent No. 6, 7 and 8 hereof have made*



personnel Kaccha Pacca structure and obstructed the road of General Public of the Village Locality.

II. To hold and declare that notwithstanding the completion of process under Section 3 of Bihar Land Encroachment Act 1956 and finding / determination of encroachment declared by the Circle Officer, Hussainganj, Sub Division Siwan; Encroachment has not been removed, is the at all failure of execution of the order of Executive Court itself.

III. To direct the respondents to enforce the flow and potency of law forthwith for removing the said encroachment in terms of constitutional mandate and settled principle of law as laid down by this Hon'ble court.”

2. At the outset, the learned counsel for the respondent-State submits that one Encroachment Case No.3 of 2023-24, is still pending consideration and the same would definitely be disposed off, within a stipulated time frame, as is fixed by this Court.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Hussainganj, District-Siwan, to conclude the proceedings of the aforesaid Encroachment Case No.3 of 2023-24, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law and after hearing the affected parties, within a period of six weeks of



receipt/production of a copy of this order.

4. The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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