

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14460 of 2014

1. Ram Bahal Singh and Anr S/o Indradeo Singh
2. Bachchu Singh S/o Nandlal Singh Both Resident of Village and P.O. Mujauna, P.S. Dariyapur, District Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Collector, Saran at Chapra.
3. The Sub Divisional Officer, Sub Division Sonepur, Saran.
4. The Circle Officer Block, Dariyapur, Saran.
5. The District Board, Chapra through Chairperson, Saran at Chapra.
6. Manager Singh S/o Mahendra Singh Resident of Village and P.O. Mujauna, P.S. Dariyapur, District Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Respondent/s : Mr. Sudhanshu Bhushan, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-06-2024 The present writ petition has been filed seeking the following relief:-

“1. That the present writ petition is being filed for issuance of appropriate writ / writs, order / orders, direction / directions to the Authority concerned for setting aside the Notice dated 16.05.2013 issued by the Circle Officer, Dariyapur, Saran for removing the encroachment of Plot No.932 & 1023. The said Order has been passed in the light of the Order passed in C.W.J.C. No. 20272 of 2012.



The grievance of the Petitioners are that the said Order has been passed by this Hon'ble High Court with direction to the Authority concerned after notice to the encroachers and after measurement it found in any encroachment then the said encroachment should be removed within three months, but the Authority concerned without measurement of the said plot notice has been sent to the Petitioners for removal of the encroachment from the said plot its bad in the eye of law fit to be set aside to the said notice.”

2. At the outset, the learned counsel for the petitioners submits that though the petitioners have filed objections in the pending Encroachment Case No. 13 of 2012-13, before the Circle Officer, Dariyapur, Saran, however, the petitioners have not been served with a copy of the final order, passed in the aforesaid encroachment proceedings, hence, it appears that no final order has been passed, thus, the Circle Officer, Dariyapur, Saran, be directed to pass the final order in the said encroachment proceedings, forthwith.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Dariyapur, Saran, to conclude the proceedings of the aforesaid Encroachment Case No. 13 of 2012-13, by passing the final



order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in case the same has not already been passed, within a period of four weeks from today, with due communication to the petitioners.

4. At this juncture, the learned counsel for the petitioners submits that in case, the final order has already been passed by the Circle Officer, Dariyapur, Saran, in the aforesaid encroachment proceedings, liberty be granted to the petitioners to file appropriate appeal. Liberty, so sought, is granted.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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