

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3366 of 2014

Md. Akbar Azad Son of Late Reyasad Hussain, Resident of Mohalla-Gagan
Dewan, Ward No. 39 Biharsharif, P.S. Laheri, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda
3. The Superintendent of Police, Nalanda
4. The Sub Divisional Officer, Biharsharif, District-Nalanda
5. The Circle Officer, Biharsharif, District-Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amar Nath Singh, Advocate
For the State : Mr. Kumar Alok, S.C.-7

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 19-12-2024 Though the present writ petition has been filed for removing encroachment made over the land of *Kabristan* appertaining to Khata No. 111, Khesra Nos. 717/869 and 718, situated at Mauza-Konasarai, Circle-Biharsharif, District-Nalanda, however, at the outset, the learned counsel for the petitioner seeks a direction upon the Circle Officer, Biharsharif, District-Nalanda to remove the said encroachment in view of passing of the final order by the Circle Officer, Biharsharif under Section 6(1) of the Bihar Public Land Encroachment Act, 1956,



in connection with Encroachment Case No. 04 of 2011-12, as also in light of dismissal of appeal filed by some of the encroachers, nonetheless, the learned counsel for the respondent-State has submitted that a Title Suit is pending adjudication bearing Title Suit No. 07 of 2014, before the learned Court of Sub-Judge-II, Biharsharif, hence appropriate decision shall definitely be taken by the District Magistrate, Nalanda at Biharsharif after obtaining the current status of the said Title Suit as also ascertaining as to whether there is any injunction in favour of the plaintiffs or not and accordingly steps shall be taken for doing the needful in the matter. It is directed accordingly.

2. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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