

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.556 of 2016

Dr. Shailendra Kumar Son of Late Ram Prasad, Resident of Village+P.O. Bhathar, P.S. Tharthari, District Nalanda, at present Teacher Colony, Ramchandarpur, P.S. Laheri, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Sub Divisional Officer, Hilsa, Nalanda
3. The Circle Officer, Block Tharthari, District- Nalanda
4. Sri Rabindra Kumar, Govt. Admin. Block Tharthari, District- Nalanda
5. Sanjay Kumar Son of Late Sita Sharan Prasad C/o Carrier Public, Kashi Takia, Ranchi Road, Biharsharif, Nalanda, at present Resident of Village- Bhathar, P.S. Tharthari, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha, Advocate
For the Respondent/s : Mr.Dhurjati Kr. Prasad- GP-7

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 12-09-2024 The present writ petition has been filed seeking the following reliefs:-

"1. I. To direct the Respondent No. 3(Circle Officer, Block-Tharthari, Nalanda) to decide the encroachment matter which was filed before him on 11.4.2015 as per order of the Hon'ble Court dated 27.3.2015.

II. To remove the encroachment made over the Garmajarua Aam Paine due to which the irrigation work has completely collapsed, by construction of road forcefully on the Paine.

III. To restore the Garmajarua Aam Paine



and Hunder in its original position which is standing on Plot No. 1464 and 382 of village-Bhathar, Thana No. 194, Block-Tharthari, District- Nalanda, forthwith.

IV. To direct the concerned Respondent for restoration of Paine, its Hunder and total area of Raiyati land may be fixed in its original position, after measurement by an independent Amin."

2. Though the present writ petition has been filed primarily for directing the Circle Officer, Tharthari, District-Nalanda at Biharsharif to finally decide the encroachment case bearing Encroachment Case No. 02 of 2015-16, however, the learned counsel for the respondent-State has submitted, by referring to the counter affidavit filed in the present case, that the said encroachment case has already been concluded and the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956'), has been passed on 21.03.2016, hence in case the petitioner is so aggrieved, he may challenge the same by filing appropriate appeal under Section 11 of the Act, 1956.



3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 21.03.2016. Liberty, so sought, is granted.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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