

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4906 of 2015

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Anil Kumar son of Sri Kamla Prasad Singh, resident of Village Berthu, Poilce Station Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Distrate Magistrate, Jehanabad.
4. The Superintendence of Police, Jehanabad
5. The Circle Officer, Makhdumpur, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Sinha -2, Adv.
For the Respondent/s : Mr. Mani Kant Mishra-GP-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 29-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. That this application has been filed praying for issuance of an appropriate writ, order or direction directing and commanding the respondents to remove the encroachment and construction made upon Gair Mazarua Aam land, bearing Tauzi No. 3898, Thana No. 619, Khata No. 113, Plot No. 347, Area- 4 Acre 28 decimal, situated at village Berthu under Malaathi Gram Panchayat in the district of Jehanabad.”

2. A bare perusal of the counter affidavit shows that the Circle Officer, Makhdumpur, Jehanabad, had taken a final decision in the encroachment proceedings initiated by him, vide Case No.03 of 2006-07 and had directed the encroachers to remove the encroachment from the land appertaining to Khata



No.113, Plot No.347, admeasuring 28 decimal, which is a Gairmazarua Aam land, situated at Village-Berthu, however, the order passed by the Circle Officer, Makhdumpur, Jehanabad dated 28.10.2015, was challenged by the encroachers, by filing an appeal, bearing Appeal No.29/D.M./2015, before the District Magistrate, Jehanabad, hence, further action has not been taken by the respondents.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Jehanabad, to pass the final order in the aforesaid appeal bearing Appeal No.29/D.M./2015, in accordance with law, within a period of six weeks of receipt/production of a copy of this order, in case the said appeal has not yet been disposed off and thereafter, take the consequential action, within the same time frame, however, in case the appeal has stood dismissed, the District Magistrate, Jehanabad shall remove the encroachment in question, within the same time frame, by taking recourse to the due process of law.

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

(Mohit Kumar Shah, J)

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