

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11386 of 2024

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Dashrath Yadav S/o Late Ghuran Yadav, R/o Village- Pandaypur, P.S.-
Mufassil, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Irrigation Department,
Government of Bihar, Patna.
2. The District Magistrate, Aurangabad, Bihar.
3. The Superintendent of Police, Aurangabad, Bihar.
4. S.D.O. Aurangabad, Bihar.
5. The Circle Officer, Aurangabad, District- Aurangabad, Bihar.
6. S.H.O. Aurangabad Town, P.S.- Aurangabad Town, District- Aurangabad,
Bihar.
7. Mahendra Mishra, S/o Late Girija Kant Mishra, R/o village- Pandeypur,
P.S.- Aurangabad, District- Aurangabad, Bihar.
8. Shailesh Mishra, S/o Late Girija Kant Mishra, R/o village- Pandeypur, P.S.-
Aurangabad, District- Aurangabad, Bihar.
9. Anil Mishra, S/o Late Girija Kant Mishra, R/o village- Pandeypur, P.S.-
Aurangabad, District- Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (11)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-08-2024 The present writ petition has been filed
seeking the following relief:-

*“1. That, the present writ petition is
being filed for issuance of
appropriate order / orders,
direction / directions to the
concerned respondents-authority
to remove the encroachment from
the land bearing Thana No. 579,*



Khata No.-15, Plot No. 150 area 90 Feet x 450 feet which is Gairmazarua Amm land which is recorded in the Survey Khatiyān as Gairmazarua Aam Land, but some people (private respondents 7, 8 & 9) who are associated with a local leader and influential persons, have encroached the land which is used for way to the people of the village since long years, but despite several representations and request, the respondents authority is sitting tight over the matter and the Aam Rastha (Way) has not been cleared from the encroachers."

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Circle Officer, Aurangabad, District-Aurangabad, to dispose off the pending Encroachment Case No. 5 of 2023.

3. *Per contra*, the learned counsel for the respondent-State submits that in case the aforesaid Encroachment Case is still pending, the same would definitely be disposed off within a stipulated time frame, as is fixed by this Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper



to direct the Circle Officer, Aurangabad, District-
Aurangabad to dispose off the aforesaid
Encroachment Case No. 5 of 2023, in case the
same is still pending, 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.

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

(Mohit Kumar Shah, J)

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