

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12640 of 2024

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Avinash Chandra Pandey S/o- Late Shatrudhan Pandey Resident of Village-
Piroo, P.O.- Piroo, P.S.- Piroo, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Patna, Bihar.
2. The Principal Secretary, Urban Development Department, Patna, Bihar.
3. The District Magistrate, Aurangabad.
4. Deputy Development Commissioner, Aurangabad.
5. The Sub- Divisional Magistrate, Daudnagar, Aurangabad.
6. The Circle Officer, Huspura, Daudnagar, Aurangabad.
7. The Thana-in-charge, Huspura, Aurangabad.
8. Nasuddin Kha, S/o- Late Supan Kha R/o Vill. and P.O.- Piroo, P.S.- Haspura, District- Aurangabad.
9. Samim Kha, S/o Late Supan Kha R/o Vill. and P.O.- Piroo, P.S.- Haspura, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajiv Ranjan Kr. Pandey, Adv.
For the Respondent/s	:	Mr.Raghwanand, GA-11
		Mr.Sanjay Kr. Tiwari, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.A. That this application is being filed for issuance of a writ in the nature of Mandamus, commanding and directing the respondents' authority to remove the encroachment over the Government land bearing Khata No. 750, Plot No-1482, total area measuring about 22 Decimal, of Mauza- Piroo, situated at village- Piroo, P.O.-Piroo. P.S.- Haspura,



Daudnagar, District-Aurangabad, the nature of the said land is 'Garmazarua Aam 'Gadaha' (Water-body) & for the purpose of 'Water is used by animals for drinking and washing' and in the column of the 'Rayat' in the Kathiyan is 'Gadaha', Garmazarua, which used for general people.

B. Further, for directing the respondents, to remove the said encroachment after completing the Encroachment Case No. 1014/2023, filed on 28.07.2023 before the Sub-Divisional Magistrate Daudnagar, Aurangabad, as early as possible, by the petitioner and other villagers.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Sub-Divisional Magistrate, Daudnagar, Aurangabad, to conclude the proceedings initiated under Section 133 of the Code of Criminal Procedure, bearing Case No.1014 of 2023.

3. Per contra, the learned counsel for the respondent-State submits that in case the aforesaid encroachment case is still pending consideration, 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 Sub-Divisional Magistrate, Daudnagar, Aurangabad, to conclude the proceedings of the aforesaid Case No. of 1014 of 2023, in case



the same is still pending, within a period of six weeks of receipt/production of a copy of this order, in accordance with law and after hearing the affected parties.

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

(Mohit Kumar Shah, J)

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