

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15354 of 2023

1. Prem Kant Jha son of Late Balbhadra Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.
2. Shiv Kant Jha, son of Late Balbhadra Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate cum 2nd Appellate Authority, Public Grievance Redressal Officer, District-Darbhangha.
4. The Additional Collector, District-Darbhangha.
5. The Sub Divisional Officer cum Public Grievance Redressal Officer, Sub Division-Benipur, District-Darbhangha.
6. The Circle Officer, Anchal-Benipur, District-Darbhangha.
7. The Officer in Charge, Benipur Police Station, District-East Champaran.
8. Ram Awtar Jha, son of Late Surya Narayan Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.
9. Ram Khelawan Jha, son of Late Surya Narayan Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.
10. Ram Sharan Jha, son of Late Surya Narayan Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.
11. Shivnath Jha, son of Ram Khelawan Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.
12. Ganga Jha, son of Ram Khelawan Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.
13. Durganand Jha, son of Ram Sharan Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.
14. Ram Bharosh Jha, son of Ram Sharan Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.
15. Keshav Kumar Jha, son of Late Sharwan Kumar Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.
16. Santosh Kumar Jha, son of Janki Jha, Resident of Village-Dakhram, Police Station-Bahera, District-Darbhangha.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.
For the Respondent/s : Mr.Raj Kishore Roy (Gp 18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

2 03-05-2024 The present writ petition has been filed seeking the following relief:-

“1(i). For issuance of a writ in the nature of mandamus directing and commanding the respondent authorities to remove the encroachment from Old Khata No. 383 and Old Plot No. 2555, New Khata No. 1850 and New Plot No. 768, 769, 770, 791 and 826 (part) and Old Khata No. 1851, Plot No. 2358 and New Plot No. 583 (Makhnahi Pokhar) situated at Mauza Dakhram, Police Station Bahera, District-Darbhanga in the light of measurement report submitted by the Anchal Amin dated 10.05.2022 and 27.01.2022 respectively.”

2. At the outset, the learned counsel for the petitioners has limited the prayer made by the petitioners in the present case to issuance of a direction upon the Respondent No. 6, i.e. Circle Officer, Benipur, Darbhanga, to conclude the proceedings of the pending Encroachment Case No. 3 of 2022-23.

3. *Per contra*, the learned counsel for the Respondent-State submits that in case, the aforesaid encroachment case is still pending adjudication, 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 Respondent No. 6 to conclude the proceedings of the aforesaid Encroachment Case No. 3 of 2022-23, 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 eight weeks of receipt / production of a copy of this order.

5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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