

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13845 of 2023

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Sanjit Kumar Singh Son of Virendra Shankar Singh, resident of Village-
Tekari (Kala), Post Office- Sondhi, P.S.- Mohaniya, District- Kaimur at
Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar at Patna.
2. Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar at Patna.
3. Commissioner, Patna Division, Patna.
4. District Magistrate- Cum- Collector, Kaimur at Bhabhua.
5. Collector-cum- Second Appellate Authority, Public Grievances Redressal Forum, Kaimur at Bhabhua.
6. Additional Collector, Kaimur at Bhabhua, Kaimur at Bhabhua.
7. Additional Collector-cum- First Appellate Authority, Public Grievances Redressal Forum, Kaimur at Bhabhua, Kaimur at Bhabhua.
8. Sub- Divisional Officer-cum- Public Grievances Redressal Officer, Mohania, District- Kaimur (Bhabhua).
9. Circle Officer, Mohania, District- Kaimur at Bhabhua.
10. Officer-in- Charge, Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc 19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-07-2024 The present writ petition has been filed
seeking the following relief:-



“1. That the present writ application is being filed in the nature of Certiorari for quashing the Memo No.2260, Dated 06.05.2023 passed by the District Magistrate-cum-Second Appellate Authority, Kaimur at Bhabhua by which the second appeal filed by the petitioner has been closed observing that the encroachment of the land in question in Mauza-Tekari Kala, Thana No.-456, Thana Khata No.-79, 83; Plot No.-242, 202, 274, 282, 460 and 191, which is a Rasta and government land has been removed from encroachment; on the ground that the entire action taken by the second appellate authority based on the submissions made by the Circle Officer, Mohania is contrary to the record, the second appellate authority has not excised the jurisdiction in accordance with law;

II. That the present writ application is being filed in the nature of Mandamus for a direction to the Circle Officer, Mohania as well as District Magistrate-cum- Collector, Kaimur at Bhabhua to act in accordance with law under the Bihar Public Grievances Redressal Forum Act, 2015, so that the removal of the encroachment of the land in question in government land bearing Khata No. 79, 83;



Plot No.-242, 202, 274, 282, 460 and 191 to remove at the earliest;"

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Circle Officer, Mohania, District-Kaimur at Bhabhua to conclude the proceedings of the pending Encroachment Case No.28 of 2022-23, expeditiously.

3. *Per contra*, the learned counsel for the respondent-State submits that in case the aforesaid encroachment proceeding has not yet been concluded, the same shall definitely be concluded, 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, Mohania, District-Kaimur at Bhabhua to conclude the proceeding of the aforesaid Encroachment Case No.28 of 2022-23, in case the same has not yet been concluded, by passing the final order, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956,



after hearing the affected parties and in accordance with law, 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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