

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15508 of 2023

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Krishna Sah Son of Late- Sampat Sah, Resident of Village- Belsand, P.S.-
Barauli (Madhopur O.P.), District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land Reforms, Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Saran at Chapra.
3. The Collector- Cum -District Magistrate, Gopalganj.
4. The Additional Collector, Gopalganj.
5. The Sub-Divisional Officer, Gopalganj.
6. The Deputy Collector Land Reforms, Gopalganj.
7. The Circle Officer, Barauli, District- Gopalganj.
8. Raj Kokil Mahta, Son of Late Raghunath Mahto Resident of Village- Belsand, P.S.- Barauli (Madhopur O.P.), District- Gopalganj.
9. Heera Mahto, Son of Late Raghunath Mahto Resident of Village- Belsand, P.S.- Barauli (Madhopur O.P.), District- Gopalganj.
10. Bablu Mahto, Son of Raj Kokil Mahto Resident of Village- Belsand, P.S.- Barauli (Madhopur O.P.), District- Gopalganj.
11. Sri Bhagwan Mahto, Son of Raj Kokil Mahto Resident of Village- Belsand, P.S.- Barauli (Madhopur O.P.), District- Gopalganj.
12. Kamleshwar Mahto, Son of Raj Kokil Mahto Resident of Village- Belsand, P.S.- Barauli (Madhopur O.P.), District- Gopalganj.
13. Rajesh Mahto, Son of Raj Kokil Mahto Resident of Village- Belsand, P.S.- Barauli (Madhopur O.P.), District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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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. A. A writ in the nature of mandamus or
any other appropriate writ/writs, order/orders,*



direction commanding the respondents for the following:-

- i. To direct the respondent no. 7 the Circle officer, Barauli to remove the encroachment from the land measuring an area 18 katha, 06 dhur situated in the village- Belsand, P.S.- Barauli (Madhopur O.P.), District- Gopalganj appertaining to Khata No. 147, Khesra No. 238, stood recorded as Gairmajuruwa Aam Land in the Revisional Survey Khatian.*
- ii. To direct the respondent no. 7 to remove the encroachment from the above mentioned land encroached by the private respondents by way of putting Hut, Naad and Garbage etc.*
- iii. To direct the respondent no. 7 to initiate a proceeding under section 3(i) of the Bihar Public Land Encroachment Act, 1956 to remove the encroachment from the land taking into the account that land in question is public at large of the locality.”*

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Circle Officer, Barauli, District-Gopalganj to conclude the proceedings of the pending Encroachment Case No.22 of 2023-24.

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 directed 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, Barauli, District-Gopalganj to conclude the proceeding of the aforesaid Encroachment Case No.22 of 2023-24, 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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