

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.21010 of 2013**

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Md. Nasimul Haque Son Of Late Nurul Haque Resident Of Village - Balha,  
Police Station - Simri, District - Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Darbhanga.
2. Circle Officer, Singhwada Anchal, Darbhanga
3. Settlement Officer, Land Settlement Office, Darbhanga
4. Welfare Officer, Welfare Department, Darbhanga

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Syed Ashfaque Ahmad, Advocate  
For the Respondent/s : Mr.Rakesh Prabhat, AC to SC-21

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      31-07-2024                      1. The present writ petition has been filed seeking the  
following relief(s):-

*“1. That this writ application is being filed for  
issuance of writ of mandamus or any  
appropriate writ, directing the authorities of the  
State of Bihar to remove illegal encroachment  
from the land of Qabristan situated at Herpure  
Panchayat, village- Balha, P.S. Simri, District-  
Darbhanga and to construct boundaries on the  
entire land of the said Qabristan.”*

2. At the outset, the learned counsel for the respondent-  
State submits by referring to the counter affidavit filed in the  
present case that the Circle Officer, Singhwada Anchal,  
Darbhanga has already opened the pending land Encroachment  
Case No.10 of 2019 and is taking appropriate steps for



conclusion of the same and removal of the encroachment in question, in accordance with law.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Singhwada Anchal, Darbhanga to conclude the proceedings of the aforesaid Encroachment Case No.10 of 2019, 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 and thereafter take appropriate steps, by taking recourse to the due process of law for removal of the encroachment in question.

4. It is needless to state that in case the aforesaid encroachment proceedings have already been concluded and it has been declared that encroachers have encroached the Qabristan in question, then the Circle Officer, Singhwada Anchal, Darbhanga shall ensure removal of the encroachment in question, forthwith, in case there is no other legal impediment.

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

**(Mohit Kumar Shah, J)**

Saurav/-

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