

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13303 of 2014

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Jata Shankar Sah, son of late Raghunath Sah, resident of Village- Sargatiya Tola Dukhichhapar, Police Station- Gopalpur, District- West Champaran, Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Administration Department, Government of Bihar, Patna.
3. The District Magistrate, District- West Champaran, Bettiah.
4. Superintendent of Police, District- West Champaran, Bettiah.
5. Sub-Divisional Magistrate, Narkatiaganj, District- West Champaran, Bettiah.
6. Circle Officer, Sikta Block, Narkatiaganj, District- West Champaran, Bettiah.
7. Station House Officer, Police Station Gopalpur, District- West Champaran, Bettiah.
8. Ashok Sah.
9. Jitendra Sah

Respondent nos.8 and 9 are sons of late Bhola Sah and are residents of Village- Sargatiya Tola Dukhichhapar, Police Station- Gopalpur, District- West Champaran, Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Respondent/s : Mr. Ajay, GA-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-02-2015 Heard Mr. Bimal Kumar, learned counsel appearing for the petitioner and learned counsel for the State.

Although the petitioner has prayed for an appropriate direction requiring the Circle Officer, Sikta Block in the district of West Champaran to implement the order of the Sub-Divisional Magistrate, Narkatiaganj passed in Miscellaneous Case No.09 MK of 2013, whereby he has directed the Circle



Officer, Sikta to remove the encroachment from the public land but on a perusal of the order passed by the Sub-Divisional Magistrate, Narkatiaganj, a copy of which is placed at Annexure-11 to the writ petition, it is manifest that it is simply on an application made by this petitioner that an order has been passed mechanically by the Sub-Divisional Magistrate requiring the Circle Officer to take appropriate action.

The complaint of the petitioner is that some private individuals have encroached on the public *Rasta* running on plots bearing khata no.10 khesra no.1065 situated in Village-Sargatiya, Tola- Dukhichhapar in the district of West Champaran which is in the nature of *Gairmazarua Aam* land and is being used as public *Rasta*.

Having heard learned counsel for the parties and taking note of the manner in which the order has been passed by the Sub-Divisional Magistrate, Narkatiaganj, no positive direction can be issued in the present writ petition except for granting liberty to the petitioner to file an appropriate application under the provisions of the Bihar Public Land Encroachment Act, 1956 and the Rules framed thereunder before the Circle Officer, Sikta in the district of West Champaran impleading the alleged encroachers and explaining

the extent of encroachment made by each of them and any such application being filed by the petitioner would be considered and disposed of by the Circle Officer, Sikta, District- West Champaran in accordance with law and after hearing the affected parties including the alleged encroachers.

An expeditious disposal preferably within a period of six months from the date of filing of such application would be appreciated.

With the observations/directions aforementioned, the writ petition is disposed of.

(Jyoti Saran, J)

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