

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15696 of 2014

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Rabindra Nath Sharma son of Late Dharmadeo Rai, resident of village-
Chak Salempur, P.S. - Patouri, Dist - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The Director, Panchayati Raj, Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The Collector, Samastipur.
5. The District Panchayat Raj Officer, Samastipur.
6. The Sub Divisional Officer, Patouri, Samastipur.
7. The Block Development Officer, Patouri, Samastipur.
8. Shankar Choudhary, Sarpanch, Chak Salempur Panchayat, Patouri, Samastipur.
9. Rajesh Paswan, Up Sarpanch, Chak Salempur Panchayat, Patouri, Samastipur.
10. Chandrakant Dheeraj, Para Legal Volunteer, Chak Salempur Panchayat, Patouri, Samastipur.
11. Braj Kishore Singh son of Late Ram Lagan Rai.
12. Subodh Kumar Singh son of Braj Kishore Singh
13. Parmanand Singh son of Late Ram Briksha Rai
14. Manoj Kumar Singh son of Late Ram Briksha Singh.
15. Digvijay Narain Singh son of Late Ram Briksha Singh
16. Upendra Prasad Sharma son of Late Bindeshwari Singh
17. Avinash Kumar Sharma son of Late Bindeshwari Singh

All respondent no. 11 to 17 are C/o Smt. Usha Kumari, Wife of Avinash Kumar Sharma, Samprati Sahayak Sikshika, Madhya Vidyalaya, Hawaspur, Shahpur Patori, P.S. - Patouri, Dist - Samastipur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate

For the Respondent/s : Mr. Uday Shankar Sharan Singh, GP-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 14-12-2015 Heard Mr. Sanjay Kumar Ghosarvey, learned counsel

for the petitioner and learned counsel for the State.



The petitioner is aggrieved by the inaction of the Gram Kachahari in disposal of the suit filed for restoration of land of the petitioner which is allegedly encroached by the private respondents.

Mr. Ghosarvey while explaining the jurisdiction of the Gram Kachahari refers to Section 110 and 111 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') to submit that the nature of the suit is not excluded from the provisions of Section 111. He submits that the suit in question was filed as back as in 2012 bearing Case No. 7 of 2012 and although notices have been issued and the fee has been deposited but thereafter it has not been taken to its conclusion.

I have heard learned counsel for the parties and I have perused the records. The jurisdiction of the Gram Kachahari stands discussed in Section 110 of 'the Act' and unfortunately removal of encroachment is not there. In fact the subject of encroachment does not find place in the list of matters of which jurisdiction is conferred upon the Gram Kachahari.

In the circumstances where neither the Gram Kachahari is vested with jurisdiction to consider issues of encroachment nor in terms of Section 110 (b) the Gram Kachahari is required to enter

into complicated issues of law and title, in my opinion, the petitioner is only wasting his time in pursuing his remedy before an incorrect forum for his remedy lies elsewhere.

The writ petition is disposed of.

(Jyoti Saran, J)

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