

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2722 of 1998

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Suresh Prasad Biahut son of Sri Suraj Prasad Biahut, resident of village –Sursand,
PS-Sursand, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Sitamarhi.
2. The Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Sitamarhi.
3. The Deputy Collector, Land Reforms, Pupri, Sitamarhi
4. The Assistant Engineer, District Board, Sitamarhi
5. The Circle Officer, Sursand.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Rajiv Kumar Singh, GP 2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-02-2015

No one appears on behalf of petitioner.

This case is being disposed of on the basis of
assistance given by the counsel for the State.

In the present case, the order of Collector dated 21st
March 1998 passed in Miscellaneous Encroachment Case No. 143 of
1996 is under challenge whereby and whereunder the Collector has
directed to remove the encroachment to the extent of 1968 Sq.ft.
within 48 hours.

The short fact of this case is that the petitioner has
built new house over his raiyati land appertaining to plot no. 382, area
12.33 decimal and also encroached upon the road of Zila Parishad to



the extent of 1968 Sq. ft. in plot no. 451. When a drive for removal of encroachment was started at the instance of this Court, certain portion of building of the petitioner was also removed, he moved before this Court in CWJC No. 9416 of 1996 which was disposed of with the liberty to the petitioner to file a representation, giving direction to the Collector to consider and make measurement and if it is found that the petitioner has encroached upon the land of Zila Parishad, consequence will be removal of the same. In pursuance thereof, the Collector directed the DCLR for getting the land measured whereupon DCLR appointed the Pleader Commissioner who gave his report in favour of the petitioner as did not find any encroachment over the land of Zila Parishad. The DCLR was not satisfied with the report of the Pleader Commissioner and apprised this to the Collector who directed for measurement of the land in question, accordingly, the land was measured by Anchaladhikari Bajpatti and Anchaladhikari Pupri in presence of Anchal Inspector, Sursand and Anchaladhikari, Sursand and it was found that the petitioner had encroached upon the land of Zila Parishad.

The petitioner raised the objection that the measurement was done in his absence whereupon the Collector vide order dated 31st October 1997 directed Sri Arbind Kumar Choudhary, Executive Officer, Pupri to get the measurement of the land in



presence of the petitioner whereupon Arbind Kumar Choudhary on 14th November 1997 got the land measured in presence of the petitioner, Circle Officer Sursand, Ram Chandra Prasad Junior Engineer Zila Parishad, Kamrul Hoda, Sitasharan Lal Advocate of the petitioner, Jagannath Singh Amin of the petitioner, Amin of Zila Parishad, Sri Ramswarath Prasad, Amin Sursand Circle, Sri Ram Shovit private amin, Sri Tung Narayan Jha Advocate of the petitioner, Sri Deo Kant Jha Amin of Pupri Circle and others and after the measurement it was found that certain portion of the land of Zila Parishad has been encroached upon by the petitioner. Again the petitioner has raised the objection and the Collector again directed for re-measurement to Nagina Sharma and the land was again measured by Balmendru Rai, Amin of the District Land Acquisition Office and at the time of measurement, amin of Zila Parishad, Sri Naresh Pd. Choudhary, Zila Parishad, Assistant Engineer of Zila Parishad, Sri Dashrath Pd. Singh, District Engineer, Circle Inspector, Sursand and others were present and it was again found that the certain land of the Zila Parishad has been encroached upon and this Court vide order dated 29th June 1999 directed the respondents to remove the encroached portion of the structure and it appears that after the order of this Court, the encroachment portion made by the petitioner has already been removed. The land has been measured by the different

Amins in presence of petitioner, his Amin, different Executive Officers and Engineers and every time it was found that the petitioner while making construction of the building, has made certain encroachment over the land of Zila Parishad i.e. plot No. 451.

In such view of the matter, this Court does not find any error in the impugned order. Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

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