

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12707 of 2015

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Pradeep Kumar, son of Chowalal Prasad, resident of Ward No. 15,
Narkatiyaganj, P.S. Sikarpur, District West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, West Champaran.
3. The Deputy Collector, Land Reforms, Narkatiyaganj, West Champaran.
4. The Sub-Divisional Officer, Narkatiyaganj, West Champaran.
5. The Circle Officer, Narkatiyaganj, West Champaran.
6. Ripu Kumar Chaurasia son of Late Keshav Chourasia, resident of Ward No. 15, P.S. Sikarpur, District West Champaran

. Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.C.Sinha, Adv.

For the Respondent/s : Mr. Ritesh Kumar, S.C. 33

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 20-08-2015 Heard learned counsel for the parties.

The grievance of the petitioner is that the private respondent has encroached over a Nala situated in Ward No.15 under Nagar Parishad, Narkatiyaganj in the District of West Champaran.

Mr. R.C. Sinha, learned counsel for the petitioner with reference to an application filed by the petitioner before the Sub Divisional Officer, Narkatiyaganj present at Annexure-1 has submitted that an application for removal of encroachment was filed by the petitioner and which was referred by the Sub Divisional Officer to the Circle Officer for his report which has since been submitted by the Circle Officer present at Anneuxre-2 whereunder the encroachment made by some of the encroachers

have been upheld. He submits that despite the position, the matter has not proceeded.

Since the Sub Divisional Officers have also been notified to act as a Collector under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') and an application to that effect has also been filed by the petitioner before the Sub Divisional Officer, Narkatiyaganj District West Champaran, a copy of which is placed at Annexure-1 and which has also been acted upon by him, this writ petition is disposed of with the direction to the Sub Divisional Officer, Narkatiyaganj to either register the application filed by the petitioner, a copy of which is present at annexure-1 as an application under 'the Act' or transfer the same to the Circle Officer, Narkatiyaganj for its disposal in accordance with law but only after giving an opportunity of hearing to the alleged encroachers. In either of the circumstances i.e. whether the Sub Divisional Officer takes charge of the proceedings or transfers it to the Circle Officer for disposal, the matter is to be registered and disposed of in the manner stipulated under 'the Act' and after opportunity of hearing to the petitioner and the alleged encroachers within 6 months from the date of receipt/production of a copy of this order.

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(Jyoti Saran, J)