

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2653 of 2002

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Dip Narayan Panda son of late Asharfi Panda, resident of village –Rangaon, PS-Tarapur, District-Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Gautam Goswami son of not known, District Magistrate-cum-Collector, Munger.
3. Sri Madhu Gupta son of not known, Sub Divisional Officer, Tarapur, District-Munger.
4. Sri Rajesh Kumar, son of not known, Circle Officer, Tarapur Block, District-Munger.
5. Sri Shyam Sundar Nag, son of not known, Circle Inspector, Tarapur, District-Munger.
6. Sri Ramesh Prasad son of not known, Revenue Karamchari, Tarapur, District-Munger.
7. Sri Rajendra Prasad son of not known, Anchal Amin, Tarapur, District-Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar
 Mr. Ritesh Kumar

For the Respondent/s : Mr. SC-3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 20-05-2015

Heard learned counsel for the petitioner and learned
 counsel for the State.

In the present case, the petitioner has pointed
 out that the order dated 7th December 1998 passed in CWJC No.
 1036 of 1998 has not been complied with where the direction
 was given to the party connected to the dispute to file an
 application before the Collector pointing out the person who is
 encroacher over the public land and if such application is filed,
 the Collector will be obliged to proceed in the matter in

accordance with law after giving notice to the purported encroacher.

The counsel for the petitioner submits that in pursuance of the aforesaid direction, the petitioner filed an application before the District Magistrate, Munger which is still pending and no action has been taken.

The order of this Court is of 1998 and after 17 years, this Court is not inclined to initiate a proceeding at the belated stage for non-compliance of order, by that time, many things might have changed. If some persons are in illegal possession of the public land, the petitioner and others will have liberty to file an application specifically pointing out the encroacher/encroachers are in possession of which plot of the public land.

If such application is filed, the Collector under the Public Encroachment Act, 1956, will be obliged to initiate a proceeding after giving notice and conclude the same within a period of six months from the date of filing of the application.

Any person who is found to be in illegal possession, should be removed without unnecessary delay

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

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