

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24069 of 2013

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Ram Awatar Paswan, son of Baliram Paswan, resident of village-Mishripur,
P.S.- Sasaram, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The D.C.L.R., Sasaram.
4. The Circle Officer, Sasaram.
5. Sheo Jee Paswan, son of late Mahesh Paswan, resident of village-
Mishripur, P.S.- Sasaram, District-Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate.
Mr. Pravin Kumar, Advocate

For the Respondent/s : Mr. Sanjay Pandey, GP-21
Mr. Vivek Anand Amritesh, AC to GP-21.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

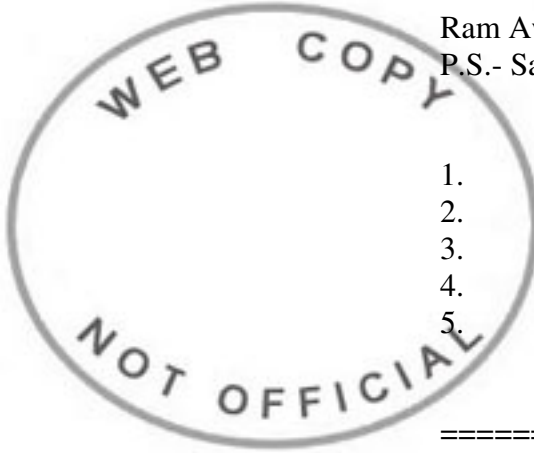
2 27-11-2015 I have heard learned counsel for the petitioner and the

State.

Despite the case having been filed after serving a copy
upon the State on 27.11.2013, no counter affidavit has been filed
on behalf of the State.

The grievance of the petitioner is that the respondent
no. 5 has encroached upon R.S. Plot No. 207 appertaining to R.S
Khata No. 59 of an area of 9 decimals of Mauza Mishripur,
Anchal- Sasaram, District Rohtas at Sasaram recorded as '*Anabad
Sarv Sadharan* Gairmazarua' land in the revisional survey record
of rights.

The villagers had approached the DCLR on earlier



occasion by filing Land Dispute Case No. 108 /2012-13, however, that was rejected on the ground that it is a matter to be decided under Bihar Public Land Encroachment Act (hereinafter referred as to as 'the Act').

It is submitted on behalf of the petitioner that on earlier occasion also, a case was filed under the Act in the year 1982-83 and father of respondent no.5 had himself removed the encroachment, therefore, the case was closed but again such encroachment has been made. The petitioner submits that vide Annexure-4, a notice was also issued by the Circle Officer, Sasaram on 28.09.2012 upon the respondent no.5 for the removal of encroachment, however, this notice neither discloses the case number nor does it disclose the plot number upon which such notice was issued.

Having regard to the aforementioned facts and circumstances, this writ application is being disposed of, without going into the merit of the case, with a liberty to the petitioner to file a proper petition before the Circle Officer, Sasaram for the purpose of removal of encroachment from the concerned public land. If such petition is filed, let the Circle Officer, Sasaram proceed in accordance with the procedure laid down under the Act and its own merit and bring the proceeding to its logical

conclusion within a period of six months from the date of filing of such petition and after granting reasonable opportunity to all the concerned including the respondent no.5.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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