

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.889 of 2015

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Satya Narayan Raut son of Late Chatura Nand Raut, resident of Jhanjharpur, Ward No. 10, Police Station- Jhanjharpur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate , Madhubani.
3. The Sub-Divisional Officer , Jhanjharpur, Police Station- Jhanjharpur , District - Madhubani.
4. The Anchal Addikari, Jhanjharpur, Police Station- Jhanjharpur, District – Madhubani .
5. The Officer-in-Charge , Jhanjharpur, Police Station- Jhanjharpur, District- Madhubani.
6. Raju Poddar
7. Upendra Poddar. both Nos. 6&7 are son of Late Basu Deo Poddar.
8. Krishna Narayan Bhandari, son of Late Laxmi Narayan Bhandari , Nos 6 to 8 are resident of Village-Jhanjharpur, Police Station- Jhanjhanpur , District- Madhubani.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Prabhas Ranjan, Advocate

For the Respondent/s : Mr. S.K. Mandal, SC-24

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 22-04-2015 Heard the parties.

The limited grievance of the petitioner is that although an encroachment case bearing Encroachment Case No. 11 of 2012 was initiated for removal of encroachment from a public land bearing Khata No. 822, Plot No. 2768 but it had not been taken to its conclusion.

The matter was heard on 20.3.2015 when learned State counsel was directed to ascertain whether the lawful procedure is



being followed by the Circle Officer, Jhanjharpur, District-Madhubani as Collector under the Bihar Public Land Encroachment Act, 1956 (hereinafter after referred to as 'the Act') for taking the encroachment proceeding to its conclusion. The matter was thereafter taken up on 8.4.2015 and when it was informed that no instruction had yet been received. The matter has thereafter been taken up today when all it is stated by the Circle Officer is that part of encroachment has been removed. The status about which the Circle Officer is informing this Court existed at the stage of filing the writ petition and there is nothing new. The counter affidavit is absolutely silent on the fact whether the proceedings are being carried out in the manner envisaged under the Act which requires an opportunity of hearing to the alleged encroachers. The counter affidavit is a mere completion of formality without reflecting a discharge of statutory duty.

In the circumstances, this Court does not feel persuaded to keep the matter pending for a mere completion of formality by the Circle Officer, Jhanjharpur, District-Madhubani and the writ petition is disposed of with a word of caution to the Circle Officer, Jhanjharpur to dispose of Encroachment Case No. 11 of 2012 strictly in accordance with law, by following the lawful procedure i.e. by giving a hearing to the alleged encroachers and by a

speaking order. Obviously, the matter having remained pending since 2012 there should be a sense of urgency on the Circle Officer to take it to its logical conclusion within a maximum period of six months from today.

(Jyoti Saran, J)

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