

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19823 of 2014

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Babloo Pathak S/O Late Nagendra Kishore Pathak Resident of
Village+P.O+P.S.Keshariya,Diastrict-East Champaran.

.... Petitioner

Versus

1. The State of Bihar through Collector East Champaran
2. The Collector East Champaran
3. The Director General of Police, Bihar, Patna.
4. The Superintendent of Police, East Champaran
5. Officer In Charge Keshariya Police Station,East Champaran
6. The Block Development Officer, Block Keshariya,East Champaran
7. Circle Officer, Block Keshariya,East Champaran

.... Respondents

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Appearance :

For the Petitioner : M/s Shashi Shekhar Dvivedi, Sr. Advocate
Ranjan Kumar Dubey,
Sangeta Sharma, Advocates

For the State : Mr. Amit Kumar Anand, AC to GP 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 24-09-2015 As prayed, petitioner is permitted to implead the

Principal Secretary, Department of Home, Govt. of Bihar, as

respondent no. 8 in course of the day.

Heard learned counsel for the petitioner and the State.

The grievance of the petitioner is that parts of his

plot nos. 1862, 1863 and 1867 have been encroached by

Keshariya Police Station and which has constructed building

which is situated in plot no. no. 1864. It is contended that while

making construction of the building the aforesaid portion of the

petitioner's land has been encroached. Now upon the direction

of this Court measurement has also been done and the map has been prepared which has been appended as Annexure 8. The measurement has also been done at the behest of the petitioner by private Amin and he has also appended map as Annexure 9.

However, in view of the limited prayer made at the time of hearing of this case on behalf of the petitioner, this writ application is being disposed of with a liberty to the petitioner to approach the Collector, East Champaran by filing a detailed representation along with the documents if any regarding his claim that the police station has encroached upon his land. The Collector will get the measurement done once again in presence of the petitioner and representative of the police station and, thereafter, he will pass an order in accordance with law disclosing as to whether any portion of the aforesaid plot of the petitioner, if it belongs to him, has been encroached by the police station or not. If he finds that the land of the petitioner has been utilized for construction of the building and boundary wall of the police station then he will forward such report to the respondent no. 8, the Principal Secretary, Department of Home, for removal of encroachment from that part of the land of the petitioner. If such recommendation is made by the Collector of the District, let the respondent no. 8 take steps for such removal

within a period of three months from the date of such recommendation by the Collector. However, in case the Collector finds that the land of the petitioner has not been utilized in construction of the building of police station or its boundary wall then he would be required to pass a reasoned order and a copy of which should immediately be communicated.

It is expected that the Collector will comply the aforesaid direction within a period of four months and, thereafter, if his order and report is in favour of the petitioner then the respondent no. 8 would be directed to take remedial step as stated above within a further period of three months.

(Dr. Ravi Ranjan, J)

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