

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12560 of 2015

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Rampravesh Thakur, son of Adalat Thakur, resident of village Balulahara,
P.S. Mazhaulia, P.O.-Ratanmala, District West Champaran

.... Petitioner/s

Versus

- (1) The State of Bihar through the Collector, West Champaran
- (2) The Collector, West Champaran
- (3) The Circle Officer, Maghaulia, West Champaran
- (4) Munna Prasad Kushwaha, son of Late Shankar Yadav
- (5) Rameshwar Prasad Kushwaha, son of Late Balaknahi Prasad.
- (6) Hari Narayn Mahto, son of Late Feku Mahto.
- (7) Sonalal Mahto, son of Late Maya Mahto
- (8) Jogendra Prasad, son of Shankar Prasad
- (9) Panchdeo Mahto, son of Bahadur Mahto.
- (10) Vigan Sharma, son of Late Kalicharan Sharma
- (11) Ram Vinay Sharma, son of Late Kariman Sharma
- (12) Parma Thakur & Chirkut Thakur, both sons of Kisnath Thakur
- (13) Ramjee Thakur & Madan Thakur, son of late Begali Thakur.
- (14) Babulal Thakur & Khublal Thakur, son of Late Sukhdeo Thakur.
- (15) Rameshwar Prasad sonof Balaknahi Prasad.
- (16) Abha Kunwar, wife of Late Ramashish Sukul
- (17) Jogendra Sukul, son of Late Baijnath Sukul.
- (18) Makeswar Mahto, son of Late Ram Bahadur Mahto
- (19) Achhelal Mahto son of Hari Mahto
- (20) Heera Lal Mahto son of Late Ram Bahadur Mhato
- (21) Rameshwar Prasad, son of late Balaknahi Prasad.
- (22) Kamlesh Sharma & Akhilesh Sharma, both sons of late Shyamlal Sharma
- (23) Lachhuman Sharma, son of late Bengali sharma
- (24) Heera Lal Mhato, son of Sri Rajdeo Mhato
- (25) Panchdeo Mishra, son of Late Parichhan Mishra.
- (26) Lachhuman Sharma, son fo late Bengali Sharma
- (27) Nagendra Sukul, son of late Baijnath Sukul. All residents of village Bakulahara, P.S. Majhauwlia, P.O. Retan Mala, District West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Adv.

For the Respondent/s : Mr. Rajeev Kumar A.C. to G.P.8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-08-2015 Heard Mr. Siya Ram Shahi, learned counsel for the
petitioner and Mr. Rajeev Kumar A.C. to G.P.8 for the State.



It is the grievance of the petitioner that although final orders have been passed by the Circle Officer, Majhauria in the district of West Champaran in Encroachment Case No. 1 of 2013-14 initiated under the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') for removal of encroachment from a public land bearing Khata no.20 Khesra No.2413 having an area of 31 ½ decimals as back as on 31.12.2013 but the same has not been taken to its conclusion.

Mr. Shahi, learned counsel appearing on behalf of the petitioner with reference to the order sheet in the encroachment case, a copy of which is placed at Annexure-3 to the writ petition submits that although the order was passed almost 1 and ½ years back on 31.12.2013 and thereafter notices have also been issued to the encroachers to remove encroachment but the follow up action has not been taken by the Circle Officer. According to Mr. Shahi, as until 28.8.2014/3.9.2014 i.e the date of the final order passed by the Circle Officer, Majhauria, it does not reflect whether any appeal had been preferred by the encroachers. He thus submits that once a final order has been passed by the statutory authority under 'the Act' it is his duty also to ensure that the same is carried out.

Having heard learned counsel for the parties and considering the limited grievance raised herein, this writ petition is

disposed of with the direction to the Circle Officer, Majhauria to conclude the Encroachment Case No. 1 of 2013-14 after satisfying himself as to whether any of the encroachers have moved in appeal against his order passed on 31.12.2013 and in case the encroachers have not taken recourse to any remedy before a superior forum so available to them, he would carry out his order to its logical conclusion preferably within 3 months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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