

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12304 of 2015

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Farmuda Khatoon, wife of Md. Mojibur Rahman Ansari, resident of
village-Sutihara Tola, Sirsiya More, P.S. Parihar, District-Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. The District Magistrate, Sitamarhi, District-Sitamarhi
3. The Land Reforms Deputy Collector, Sitamarhi Sadar
4. The Sub-Divisional Officer, Sitamarhi, District-Sitamarhi
5. The Circle Officer, Parihar, District-Sitamarhi
6. The Station Head Officer, Parihar Police Station, District-Sitamarhi
7. Navijan, son of Md. Kitabuddin, resident of village-Sutihara Tola,
Sirsiya More, P.S. Parihar, District-Sitamarhi
8. Noorjahan, wife of Navijan, resident of village-Sutihara Tola, Sirsiya
More, P.S. Parihar, District-Sitamarhi

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Respondent/s : Mr. Raju Giri, GP-30

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-08-2015 Heard Mr. Pushpendra Kumar Singh, learned counsel for

the petitioner and Mr. Nikhil Agrawal, Assisting counsel to G.P.

30 for the State.

The grievance of the petitioner is that the order dated
16.3.2014 passed by the Deputy Collector Land Reforms in Case
No. 85 of 2013-14 requiring the Circle Officer to demarcate the
boundary of the petitioner and for taking action in case any portion
of government land has been encroached, is not being
implemented. The petitioner complaining of encroachment by the



private respondent on a government land had earlier approached this Court and when the writ petition was disposed of with liberty to the petitioner to take recourse to the remedy under the Bihar Land Dispute Resolution Act, 2009 (hereinafter referred to as 'the Act'). The petitioner in obedience of the direction of this Court filed a case under 'the Act' giving rise to Case No. 85 of 2013-14 and which has since been disposed of on 16.3.2014 with direction to the Circle Officer to carry out the measurement in the backdrop of the complaint made by the petitioner against the private respondents of encroachment on government land and in case upon measurement it is found out that the private respondents have indeed encroached upon government land then he should take appropriate remedial action in accordance with law.

Although a bald statement has been made by the petitioner in paragraph-23 of the writ petition that he approached the Circle Officer, Parihar in the light of the directions issued by the Deputy Collector Land Reforms in Case No. 85 of 2013-14 but no copy of any such application is on record.

I have heard Mr. Pushpendra Kumar Singh, learned counsel for the petitioner and Mr. Nikhil Agrawal, Assisting Counsel to SC-30 for the State and I have perused the records.



Although in obedience of the order of this Court the petitioner did approach the authority under 'the Act' and very rightly the Deputy Collector Land Reforms vide order passed on 16.3.2014 has required the Circle Officer to examine the complaint of the petitioner regarding encroachment by the private respondents on a government land and to take remedial action but the copy of any such application being filed by the petitioner seeking follow up action by the Circle Officer is not on record. It is noticed that the statutory authorities under 'the Act' possess no jurisdiction to adjudicate on any matter arising out of Bihar Public Land Encroachment Act which Act does not find place in the list of enactments mentioned in Schedule-1 of the Act.

Considering the circumstances existing and without expressing opinion on the developments in the matter, the writ petition is disposed of with liberty to the petitioner to file a duly constituted application before the Circle Officer, Parihar under Section 3 of the Bihar Public Land Encroachment Act, 1956 by giving the details of the public land allegedly encroached by the private respondents as well as the extent thereof and by also arraying these private respondents in the application and it goes without saying that any such application being filed by the

petitioner before the Circle Officer, Parihar would be considered and disposed of expeditiously and preferably within six months from the date of filing of any such application in accordance with law and after giving an opportunity of hearing to the petitioner as well as the private respondents.

The writ petition is disposed of.

(Jyoti Saran, J)

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