

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13108 of 2012

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1. Rajaram Tiwari S/O Janardan Tiwari @ Jalandhar Tiwari R/O Village-
Mouja Bangari, P.O.+P.S.- Pipra Kothi, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate, East Champaran, Motihari
4. The Senior Deputy Collector, East Champaran, Motihari
5. Circle Officer, Chakia, East Champaran, Motihari
6. Laxmi Tiwari S/O Saryug Tiwari R/O Village-Bangari, P.S.- Pipra Kothi,
District- East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Respondent/s : Mr. Girija Shankar Pd. GP-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 07-08-2015 The petitioner has questioned the various orders passed by the statutory authorities under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') charging the petitioner with encroachment on a public land bearing Khata No.101 Khesra No.104 which is registered as a public road. An encroachment case was initiated bearing Encroachment Case no. 12 of 2004-05 and the allegation against the petitioner was upheld by the Circle Officer, Chakia vide order passed on 2.12.2004 which has been affirmed in appeal by the District Magistrate in Encroachment Appeal No.18 of 2004-05.

The petitioner on misconception had preferred a second

appeal before the Commissioner of the Division and which has also been withdrawn apparently on grounds of maintainability.

Apart from the fact that there is nothing on record of the proceedings to support the occupation by the petitioner on the land in question, the other aspect which does not persuade this Court to grant indulgence is the fact that the case of the petitioner has been rejected by the statutory authorities as back as in the year 2005 and present writ petition has been filed 7 years thereafter in the year 2012.

Although Mr. Sunil Kumar Thakur learned counsel for the petitioner tried to take recourse under an order of this Court passed in C.W.J.C.No.8778 of 2007 to explain the delay but in my opinion, the said aspect would not salvage the situation for the petitioner for the said writ petition was filed by the person aggrieved by inaction on the part of the statutory authorities in not implementing the order passed in the encroachment case and this Court considering the circumstances disposed of the writ issuing directions to the authorities to conclude the proceedings. The said order resulted in issuance of notice by the Senior Deputy Collector to the Circle Officer, Chakia for implementation of the order passed in encroachment case and being aggrieved the petitioner is before this Court.

The orders impugned having attained finality by the passage of 7 years the subsequent direction of the Senior Deputy Collector to the Circle Officer to comply with the order passed in the encroachment proceedings in no manner would condone the delay for the petitioner nor does it persuade this Court to interfere with the orders impugned.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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