

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4886 of 2011

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Parasnath Chaurasiya S/O Late Ram Roop Bhagat, Resident of Village Chandwa, P.S. Sheosagar District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government Of Bihar, Patna.
2. The D.M. Rohtas.
3. The D.C.L.R. Rohtas.
4. The Circle Officer, Sheosagar, Rohtas.
5. Siri Prasad S/O Rogi Ram Resident Of Village Chandwa, P.S. Sheo Sagar, District Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Respondent No.1 to 4 : Mr. Ashish Kumar Lal, AC to GA-XII
For the Respondent No.5 : Mr. Raghu Nandan Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 07-05-2015 Heard the parties.

Grievance of the petitioner is that though by order dated 05.10.2006 (Annexure-6) passed in Encroachment Case No. 4 of 2002-03, the respondent Anchal Adhikari, Sheo Sagar (Rohtas district) had directed for removal of encroachment from the public land, yet that order is not being implemented and the encroachment from the public land has not been removed till date, as a result of which the petitioner and other villagers are facing problems for passage and drainage.

Though this writ petition was filed way back on 14.03.2011 and despite order and direction issued by this Court on 23.01.2012, counter-affidavit(s) has not been filed on behalf of the respondents including the private respondent no.5.

In view of the nature of grievances/claims raised on behalf of the petitioner in the present proceeding, this Court is of the opinion that instead of keeping the matter pending any longer

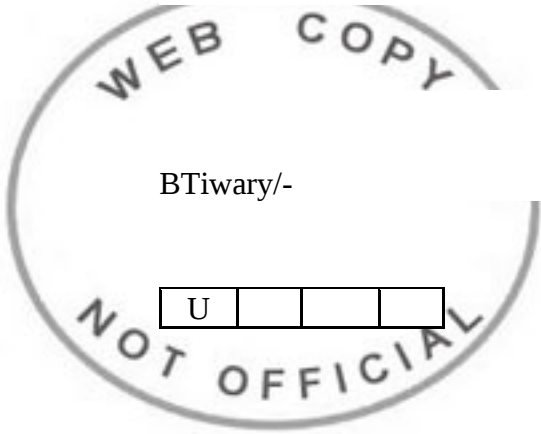
awaiting counter-affidavit from the respondents, the interest of justice shall be sub-served if the petitioner is granted liberty to file a comprehensive representation with all supporting documents, raising all the pleas which have been raised in the present proceeding, before the respondent District Magistrate, Rohtas at Sasaram. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent District Magistrate, Rohtas at Sasaram either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to all concerned, at an early date preferably within a period of two months from the date of filing of such representation.

If on consideration of the materials the respondent District Magistrate or any other competent authority comes to a conclusion that claims raised on behalf of the petitioner are admissible to him, then consequential orders/ directions shall also be issued for grant of such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and it is left to be decided by the competent authority strictly in accordance with law. However, if it is found that the order for removal of encroachment has been validly passed and that has not been reversed or set aside by any higher authority/ court, then appropriate action shall also be taken for implementation of such order without any unnecessary delay.

The writ petition stands finally disposed of with the observations and directions made above.



(Birendra Prasad Verma, J)