

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1692 of 2015

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Rajendra Prasad Singh Son of Ramyash Singh Resident of Village - Rajpur
Manglapur, Police Station - Sangrampur, District - East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms, Government of Bihar, Patna.
2. The Collector, East Champaran.
3. The Additional Collector, East Champaran.
4. The Deputy Collector, Land Reforms East Champaran.
5. The Circle Officer, Sangrampur, East Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. Sudarshan Kumar, Advocate
For the State : Mr. Prabhat Kumar, A.C. to G.A. 2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-09-2015

Heard learned counsel for the petitioner and the State.

This is the second time the petitioner has come up before this Court for removal of encroachment from plot nos.3536, 3602, 3604 and 3611 which stand recorded as Gair Majrui Mokridar with remark Partikadim Pokhra etc. It is contended that report of the Anchal Amin dated 03.12.2005, as contained in Annexure 2, clearly discloses the name of the encroachers who had made construction and running a brick-kiln over the concerned plots. The petitioner along with others had approached this Court by filing C.W.J.C. No.22543 of 2013 which was disposed of on 21.11.2013 with a direction to the competent authority to dispose of the encroachment

matter by reasoned and speaking order. However, according to the petitioner, no final step has been taken for removal of the encroachment.

Today, the Circle Officer, who is present before this Court, files supplementary counter affidavit stating that the concerned encroachment was removed only thereafter, the then Circle Officer had passed the order dated 24.03.2014 by which he has dropped the proceeding but, surprisingly, though he has appended a report dated 19.03.2014 but has not appended the order dated 24.03.2014 which was passed by the then Circle Officer. However, it appears from the perusal of the entire original records of the case which has been produced before me that about 2 acres of the plot no.3536 were settled in the name of the Shiv Dhari Hajara and Gauri Shankar Hajara in case no.9/69-70 itself and jamabandi was already been created in their names, therefore, the land has lost its nature of public land after the aforesaid settlement. So far remaining part of 1.6 acres of plot no.3536 is concerned, it has been stated that the encroachment has now been removed as the bricks have been removed from the plot. So far plot nos. 3602, 3604 and 3611 is concerned, the same is vacant and the Circle Officer also informs this Court that the same stands submerged in water.

In above view of the matter, in my opinion, the matter

has already been brought to its logical conclusion and no further order is required to be passed in this case.

However, the District Magistrate, East Champaran is directed to issue directive to all the concerned of the district including the Circle Officer as well as officer-in-charge of the local police station to ensure that encroachment is not made upon the aforesaid land in future by anybody. It is further made clear that if there is again any encroachment over the said land then the petitioner would be at liberty to inform the same to the District Magistrate, East Champaran so that not only proper action is taken for removal of the encroachment but proper action be taken also against the erring officials who have ignored the direction of this Court and had allowed the encroachment upon the aforesaid land.

(Dr. Ravi Ranjan, J)

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