

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2490 of 2015

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Shyam Jee Jha son of Late Kalikant Jha, resident of village and P.O. -
Sourath, Ward No. 13, P.S. and Anchal - Rahika, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Madhubani.
3. Deputy Collector, Land Reforms, Madhubani.
4. The Circle Officer, Rahika, Madhubani.
5. Binodanand Jha Son of Hare Krishna Jha, resident of village and P.O. –
Sourath, Ward No. 13, P.S. and Anchal - Rahika, District - Madhubani.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Birendra Kant Chaudhary, Advocate

For the Respondent/s : Mr. Roy Shivaji Nath, AAG-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 11-08-2015 Heard Mr. Shankar Kumar Thakur, learned counsel for

the petitioner and Mr. Rajesh Kumar, Assisting Counsel to AAG-3

for the State.

The limited grievance of the petitioner in this writ petition is that even when an application under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') has been filed by him before the Circle Officer, Rahika in the district of Madhubani, a copy of which is placed at Annexure-3 to the writ petition as back as on 24.9.2013 and a period of almost two years is going to lapse, the case has not even been registered by the Circle Officer. The petitioner charges the private respondent no. 5 of encroaching a public road situated over Khata No. 337 of Khesra No. 3505 situated in village-

Sourath, P.S. Rahika in the district of Madhubani.

It is submitted by Mr. Thakur appearing on behalf of the petitioner that as per the instructions, the Circle Officer has not initiated any proceedings rather the case has not even been registered. This is rather preposterous that an application having been filed as back as in 2013 complaining of encroachment on public land has not even been registered.

If that be so, the Circle Officer, Rahika is directed to register the application so filed by the petitioner present at Annexure-3 to the writ petition, if not already registered, and after issuing notice and giving opportunity of hearing to the respondent no. 5 to defend his case, dispose of the proceedings in accordance with law expeditiously and preferably within six months from the date of receipt / production of a copy of this order.

With the directions aforementioned, this writ application is disposed of.

(Jyoti Saran, J)

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