

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21797 of 2014

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Suresh Kumar S/o Late Mohan Prasad, resident of Mohalla-Mustafabad
(Lakshmi Nagar), Jail Road, P.S.- Rampur, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Magadh Division, Gaya,
District-Gaya.
2. The District Magistrate, Gaya, District-Gaya.
3. The Land Reforms Deputy Collector, Gaya, District-Gaya.
4. The Circle Officer, Town, Gaya, District- Gaya.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate

For the Respondent/s : Mr. S. Paswan, G.P.-29

Mr. Mundrika Ram, A.C. to G.P. 29

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-02-2015 Heard Mr. Ravindra Kumar Sinha, learned counsel

appearing on behalf of the petitioner and learned counsel for the

State.

The petitioner is aggrieved by the inaction of the

Circle Officer Town,-Gaya in the District of Gaya in not

registering the complaint instituted by the petitioner under the

provisions of Bihar Public Land Encroachment Act, 1956

(hereinafter referred to as 'the Act') and the rules framed

thereunder in respect of land bearing Khata No. 89, Plot No. 306

situated in Mohalla-Mustafabad (Lakshmi Nagar), Jail Road,

P.S.-Rampur in the District of Gaya which according to the

petitioner is a public land.

Mr. Sinha, learned counsel appearing on behalf of the petitioner has submitted that an application was filed by the petitioner before the Circle Officer on 10.10.2011 complaining of encroachment by private individuals and whereupon, the Revenue Karamchari, Circle Amin and the Circle Inspector were directed to submit their report by the Circle Officer. It is stated that the Anchal Amin as well as the Revenue Karamchari have submitted their report confirming the encroachment but yet the Circle Officer, Gaya did not take any steps for taking the grievance to its logical conclusion rather referred the matter to the Deputy Collector Land Reforms, Sadar-Gaya for adjudication under the Bihar Land Dispute Resolution Act, 2009. It is stated that though the Deputy Collector Land Reforms upheld the encroachment but the encroachers filed an appeal against such order and the Commissioner, Magadh Division vide order dated 15.5.2014 passed in Land Dispute Resolution Appeal No. 142 of 2012 set aside the order passed by the Deputy Collector Land Reforms *inter alia* on grounds that the matter stands covered under the provisions of the Bihar Public Land Encroachment Act and thus the matter stands restored to its original position.

Having heard learned counsel for the parties and

taking note of the grievance raised herein, this writ petition is disposed of with a direction to the petitioner to file a comprehensive application impleading the encroachers, before the Circle Officer, Town-Gaya enclosing his earlier applications as well as the report submitted by the Circle Amin and the Revenue Karamchari and which would be considered and disposed of in accordance with law by the Circle Officer, Town Gaya after giving opportunity of hearing to the petitioner and the affected parties including the alleged encroachers preferably within six months of filing of such comprehensive application.

S.Sb/-

(Jyoti Saran, J)

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