

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 17155 of 2016

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Dinesh Prasad Sah son of Late Bacha Sah Resident of at - Ramdham
Mandir, Police Station- Bagaha, District- West Champaran.

.... Petitioner.

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department.
3. The Collector, West Champaran (Bettiah).
4. Sub Divisional Magistrate, Bagaha, West Champaran.
5. Anchal Adhikari, Bagaha-1, West Champaran.
6. Executive Officer, Bagaha Nagar Parishad, District- West Champaran.
7. Raju Singh @ Rajendra Singh son of Late Nagendra Singh
8. Amrendra Singh son of Raju Singh @ Rajendra Singh Both respondent no.7 & 8 are residents of Goriyapatti, Ward no.25, Bagaha Nagar Parishad, P.S.- Bagaha, District- West Champaran.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Raghav Prasad, Adv.

For the Respondents: Mr. Md. Sajid Salim Khan-SC25

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-12-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks direction to the respondents for removal of encroachment from public land in Mauza Bagaha Khas, Thana No 248, Khesra No. 277 measuring area 1.13 acres appertaining to Khata No. 347 described as per Khatian Gair Aam Bihar Sarkar Rasta which has been encroached by the private respondents.

It is contended that application for removal of



encroachment was filed before the Sub-divisional Officer, Bagaha on 04.09.2013 which was forwarded to the Circle Officer for doing the needful itself but the encroachment is still existing.

In above view of the matter, this writ petition is being disposed of with a direction to the respondent no. 5, the Anchal Adhikari, Bagaha-I, West Champaran to examine the matter and if it is found that the aforesaid plot is public land and encroachment is subsisting then he would initiate a proceeding under Bihar Public Land Encroachment Act, 1956 and bring the proceeding to its conclusion after granting reasonable opportunity to all the concerned including the private respondent within a period of three months from the date of receipt/production of a copy of this order. In case the Anchal Adhikari comes to the conclusion that there is no encroachment over the public land or the land described is not a public land then a reasoned order would have to be passed by him which should be communicated immediately to the petitioner.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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