

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10825 of 2015

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Arun Kumar Sah son of Sri Lakshman Sah resident of village- Laskaripur,
P.O. - Manikpura, P.S.- Janta Bazar, Block - Kahladpur, District - Saran
..... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Saran
3. The Deputy Commissioner Land Reformation , Saran
4. The Circle Officer , Lahladpur, P.S.- Janta Bazar , District - Saran
5. The Officer- in - charge, Janta Bazar, P.S. - Block -Lahladpur, District – Saran
6. Lal Babu Prasad,
7. Harendra Prasad,
Both sons of late Nagina Prasad, resident of village- Laskaripur,
P.O. - Manikpura, P.S.- Janta Bazar, Block - Kahladpur, District – Saran
8. Shambhu Prasad.
9. Jeetu Prasad @ Jitendra Prasad,
Both sons of Lal Babu Prasad, resident of village- Laskaripur,
P.O. - Manikpura, P.S.- Janta Bazar, Block - Kahladpur, District – Saran
10. Ashok Prasad son of late Dharamnath Prasad, resident of village-
Laskaripur, P.O. - Manikpura, P.S.- Janta Bazar, Block - Kahladpur,
District – Saran

..... Respondents

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Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Advocate
For the State : Mr. Anil Kumar Tiwary, AC to AAG 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 03-03-2016 Heard learned counsel for the petitioner and the State.

It is contended on behalf of the petitioner that several persons approached the Anchaladhikari, Lahladpur, District Saran for removal of encroachment from survey plot no. 1999, which is a public land recorded as Gairmajrua Aam Road in the survey records and has been encroached by private respondent nos. 6 to 10 as they have made certain constructions over there. A representation was filed by the petitioner on 16.12.2014,

thereafter, it is contended, that the land was measured by the Amin and a report was submitted before the Anchaladhikari vide Annexure 3 dated 29.12.2014 finding an encroachment upon the public land but no step has been taken by the Circle Officer to remove the same.

Having regard to the aforementioned facts and circumstances, this writ application is being disposed of, without going into the merit of the case, with a direction to the Circle Officer, Lahladpur(respondent no. 4) to take a decision upon the representation of the petitioner and if he is satisfied that there is encroachment upon the aforesaid land, he would be obliged to proceed in accordance with the provisions and procedures laid down under the Bihar Public Land Encroachment Act and bring the proceeding to its logical conclusion after granting reasonable opportunity to all the concerned within a period of six months from the date of receipt/production of a copy of this order. However, if in his opinion, no encroachment proceeding is required to be initiated then he would be required to pass reasoned order which should be communicated to the petitioner within a period of two months from the date of taking such decision.

(Dr. Ravi Ranjan, J)

SC/-

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