

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16282 of 2013

Bandhu Prasad @ Bandu Sah, Son of Late Bachchan Prasad, Resident of Village-
Murli Manjhairiya, P.O. Belwa Bahuari, P.S. Gaunaha, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar,
2. The Collector-cum-District Magistrate, West Champaran, Bettiah.
3. The Deputy Collector Land Revenue, Narkatiyaganj, District- West Champaran.
4. The Superintendent of Police, Bettiah, District- West Champaran.
5. The Sub-Division Police Officer, Narkatiyaganj, District- West Champaran.
6. The Sub-Divisional Officer, Narkatiyaganj, District- West Champaran.
7. The Incharge Circle Inspector, Gaunaha, District- West Champaran.
8. The Circle Officer-Gaunaha, District- West Champaran.
9. The Officer Incharge-Gaunaha, District- West Champaran.
10. Vimal Sahni, son of Late Sara Sahni,
11. Subash Sahni,
12. Raju Sahni, Both sons of Vimal Sahni, All Respondent no. 10, 11, 12 are
resident of Village- Murli Manjhairiya, P.O. Belwa Bahuari, P.S. Gaunaha,
District-West Champaran.

.... Respondents

Appearance :

For the Petitioner/s : Mr. AVINASH KUMAR

For the Respondent/s : Mr. DEEPAK KUMAR, AC TO GA-10

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-01-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

Grievance of the petitioner is that there is admittedly
encroachment upon 07 Dhurs land of Khesra No. 86, appertaining to
Khata No. 108 of Mouza - Murli Manjhairiya by the respondents.

The petitioner is permitted to implead the alleged
encroachers as party respondents.

The land concerned has been recorded Gairmajorua Aam



in the record of rights. It is contended that a final order has already been passed vide Annexure-14, dated 20.08.2011, but encroachment upon the public land is still existing without any appeal etc. having been filed by the encroachers for the purpose of challenging the final order passed by the Collector under the Public Land Encroachment Act. The petitioner claims that he has approached all the authorities including the District Magistrate, West Champaran, but despite the directions given by them, nothing has been done.

On such contention having been made on behalf of the petitioner, this writ application is being disposed of, without going into the merit of the case, with a direction to the District Magistrate, West Champaran, Bettiah to examine the matter. If he finds that the final order has been passed, which appears from Annexure-14, and even then the encroachment concerned has not been removed and still persisting after a lapse of 4-5 years then he will take necessary action for getting it removed in accordance with law. If he finds that there is some dereliction of duty on the part of any employee then he will fix responsibility for not proceeding in accordance with law.

However, it is made clear that this Court has not formed any opinion with regard to claim of the petitioner, which has to be examined by the District Magistrate himself and, thereafter, necessary action may be taken in accordance with law.

It is expected that the entire exercise would be completed within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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