

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15629 of 2013

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Satya Narayan Thakur, S/o Late Ganpat Thakur, resident of village- Azam
Nagar, P.O. & P.S.- Azam Nagar, District- Katihar

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Katihar
3. The Sub-Divisional Officer, Barsoi, District- Katihar
4. The Deputy Collector, Land Reforms, Barsoi, Ktihar
5. The Anchal Adhikari, Azam Nagar, Katihar
6. Most. Naseefa Khatoon, w/o late Jahagir @ late Md. Warish,
resident of village-Alampur (Azam Nagar), P.O. Azam Nagar,
P.S. Azam Nagar, District- Katihar

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhirendra Kumar Jha,
Mr. Jibendra Mishra, Advocates
For the State : Mr. Amresh, A.C. to S.C. 11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date :08.04.2016

Heard parties.

Grievance of the petitioner is that plot no.716
appertaining to khata no.208 of Mauja, Barhat has been recorded
as Gair Majarua Sarv Sadharan land in the nature of Rasta in the
revenue records but the same has been encroached by the
respondent no.6 for which encroachment case no.05/2012-13 was
initiated against her in which a decision was taken to remove the
encroachment. It is contended that encroachment to some extent
was removed also but could not be removed in its entirety.

Thereafter, again the respondent no.6 has again encroached the land concerned.

A counter affidavit has been filed appending Annexure A which is a letter dated 16.04.2014 issued by the Anchal Adhikari addressed to the Officer-in-charge, Ajamnagar, Katihar. It appears that direction has been given that since encroachment has been made again, action is required to be taken at his length.

It is intriguing as to why such letter was written by the Anchal Adhikari directing the Officer-in-charge to take action in accordance with law and why he himself could not take any legal action as it is alleged that encroachment has allegedly been made again on the land concerned and that is required to be again removed under the provision of the Bihar Public Land Encroachment Act, 1956.

Accordingly, this writ application is being disposed of, without going into the merit of the case, with a liberty to the petitioner to approach the District Magistrate-cum-Collector, Katihar by filing an application along with a copy of this order. He would be required to examine the matter and if the encroachment is still existing on the aforesaid public land then he would be required to proceed in accordance with law for its removal after

granting reasonable opportunity to all the concerned including the respondent no.6. It is expected that the entire exercise would be completed within a period of three months.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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