

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.5412 of 2016**

Chandrika Singh, son of Late Manni Singh, Resident of Village - Narainpur, Ward No. 13, Police Station - Bagha, District - West Champaran.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Government of Bihar, Patna.
  2. The District Magistrate, West Champaran at Bettiah.
  3. The Sub Divisional Officer, Bagha, District - West Champaran.
  4. The Deputy Commissioner, Land Reforms, Bagha, District - West Champaran.
  5. The Circle Officer, Bagha - 2, District - West Champaran.
  6. The Station House Officer, Patkhauri O.P. Police Station - Bagha, District - West Champaran.
  7. Dinanath Yadav Son of Bhola Yadav
  8. Most. Bhanti Devii wife of Late Swami Nath Yadav
  9. Om Babu Yadav Son of Late Swami Nath Yadav
  10. Murari Mishra Son of Prahlad Mishra
- 6 to 10 are residents of Village - Narainpur, Ward No. 13, Police Station - Bagha, District - West Champaran, Bettiah.

.... .... Respondents

**Appearance :**

For the Petitioner : Mr. Ashok Kumar Mishra,  
Mr. Milind Kr. Mishra, Advocates  
For the State : Mr. Sanjay Kumar Singh, A.C. to A.A.G. 12

**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 20-04-2016**

Heard parties.

No counter affidavit has been filed on behalf of the State though a copy of the writ petition was served on 15.03.2016 itself.

Grievance of the petitioner is that part of plot no.692 appertaining to khata no.397 of Mauza Narainpur which is a public road has been encroached by the private respondents upon which land



encroachment proceeding No.13/11-12 was initiated in which a compromise petition appears to have been filed but even thereafter, the encroachment has not been removed which is apparent from the order dated 17.02.2012 as contained in Annexure 6. Thereafter, again direction was given to the encroachers to vacate the land. Though order was passed on 17.02.2012 itself, learned counsel for the petitioner submits that no further action has been taken. It appears that representation was filed before the District Magistrate, West Champaran at Bettiah also.

Accordingly, this writ application is being disposed of with a direction to the District Magistrate, West Champaran, Bettiah to enquire into the matter and take necessary steps in accordance with law. If there is already order for removal of encroachment he will also make enquiry as to under what circumstances such encroachment could not be removed for about four years and may fix responsibility also in this regard if no final action could be taken even though there is no order modifying, altering or setting aside the order passed by the original authority in any appeal or by any competent authority. However, everything should be done after granting reasonable opportunity to all the concerned including the private respondent nos.7 to 10 and steps should be taken so that the concerned encroachment case could be

brought to its logical conclusion within a period of three months from  
the date of receipt/production of a copy of this order.



Sanjay-II/-

**(Dr. Ravi Ranjan, J)**

|                      |            |
|----------------------|------------|
| AFR/NAFR             | NAFR       |
| CAV DATE             | NA         |
| Uploading Date       | 29/04/2016 |
| Transmission<br>Date | NA         |