

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10997 of 2017**

Kabita Sinha, Wife of Shaurav Kumar Sinha, Resident of Mohalla- Company Sarai, Civil Line, Sri Raj Bila, Ward No. 12, P.S.- Model Thana, Sasaram, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar
2. District Magistrate, (Collector) Rohtas at Sasaram.
3. Administrative Officer, Municipality , Sasaram.
4. Sub-Divisional Officer, Sasaram, Rohtas,.
5. Land Reforms Deputy Collector, Sasaram.
6. Circle Officer, Sasaram.
7. Sri. Krishana Kumar Singh Son of Bhola Singh Resident of Village- Darigaw, P.S. ... District- Rohtast at present... Residing at Mohalla- Civil Lines, C/o- Papu Singh , Ward No. 9, P.S. Model Thana, P.O. Sasaram, District- Rohtas.
8. Surendra Kumar Singh, Son of late Jang Bahadur Singh, Resident of Village- Purana Nokha, P.S. and P.O.- Nokha, District- Rohtas.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Upendra Prasad II  
For the Respondent/s : Mr. RISHI RAJ SINHA- SC19

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      01-12-2017              Heard Mr. Upendra Prasad-II, learned counsel for the petitioner and learned AC to SC-19, for respondent-State.

In view of the nature of prayer made in the writ application, particularly in view of the nature of order, this Court intends to pass, this Court is not inclined either to adjourn the matter for filing counter affidavit, or to issue notice to private respondent nos. 7 and 8.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the land appertaining to Khata No. 1787, Municipal



Survey Plot No. 1752.

I.A. No. 6307 of 2017 has been filed for a direction to the respondent authorities to restrain respondent nos. 7 and 8 from making further encroachment over the public land in question.

It is submitted by learned counsel for the petitioner that the petitioner is the owner of Plot Nos. 1715(K), 1715(kha) and 1715(g), Khata No. 329, over which the residential house of the petitioner is situated and the land in question is situated to the west of the house of the petitioner, which is recorded in the Municipal Survey Khatian as Anabad Sarva Sadharan, where the drainage water used to flow. Adjacent to the land in question, Plot No. 1753 is situated which has been purchased by respondent no.7 and 8, but they have encroached upon Municipal Survey Plot No. 1752, as a result of which, the drainage water is out flowing over the land in question. The petitioner submitted an application before respondent no.6, the Circle Officer, Sasaram on 18.05.2017, as contained in Annexure-3, but neither any proceeding under the Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act') has been initiated, nor the encroachment has been removed. Hence, the present writ application.

It is submitted by learned AC to SC-19 that the land in



question is situated under the Municipal area, but there is nothing on record that the petitioner submitted any application before the Municipal authorities. At present, he is not having any instruction whether the land in question is a public land or not or whether any encroachment proceeding under the Act has been initiated or not.

Considering the rival submissions of the parties, the petitioner is permitted to submit a representation before respondent no.3, the Administrative Officer, Municipality, Sasaram as well as before respondent no.6, the Circle Officer, Sasaram within a period of four weeks from the date of receipt/production of a copy of this order, when it is expected from respondent nos. 3 and 6 to dispose of the representation of the petitioner within a period of six weeks from its submission.

Respondent no.6, the Circle Officer, Sasaram is further directed to examine the Revenue Record and if need be, make spot verification, and if it appears to him that the land in question is a public land, then he will initiate a proceeding under the Act forthwith, if the same has already not been initiated, and take such proceeding to its logical conclusion within a period of three months from its initiation, after giving due opportunity of hearing to all affected persons, in accordance



with the provisions of the Act.

Accordingly, with the above observations and directions,  
the present writ application is disposed of.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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