

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4003 of 2017

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Sudarshan Kumar, Son of Shri Ramakant Prasad Singh, Resident of Village
+ Post Office - Rahimpur, Pachkhutti, Police Station + District - Khagaria.

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar,
Patna.
2. The Collector, District - Khagaria.
3. The Superintendent of Police, Khagaria, District - Khagaria.
4. The Deputy Collector Land Reforms, District - Khagaria.
5. The Sub-Divisional Officer, Khagaria Sadar, District - Khagaria.
6. The Circle Officer, Khagaria Sadar, District Khagaria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Adv.

For the Respondent/s : Md. Khurshid Alam, AAG-12

Mr. Nasim Mukhtar, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-08-2017 Heard Mr. Madhu Prasun, learned counsel for the

petitioner and Mr. Nasim Mukhtar, learned A.C. to A.A.G.-12 for

the respondents.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment
removed over a public land, situated at Gram Panchayat Raj
Rahimpur (Pachkhutti) North, Ward No.11, Circle Khagaria Sadar
(to be specific from the house of Shri Shambhu Shankar Singh to
the house of Shree Subodh Prasad).

It is submitted by learned counsel for the petitioner that
the land in question is being used as a public road and the drainage



has to be constructed over the part of the land, but certain persons have encroached the land in question, who are not allowing the drainage to be constructed. The petitioner submitted an application before respondent no.6, the Circle Officer, Khagaria Sadar on 08.01.2016, as contained in Annexure-2, and also transmitted the copy of the same to respondent no.3, S.P., Khagaria, respondent no.4, the DCLR, Khagaria and respondent no.5, S.D.O., Sadar Khagaria on 08.01.2016, itself. The representation was also submitted before respondent no.2, the District Magistrate, Khagaria on 10.02.2017, as contained in Annexure-4, but till date no action has been taken for removal of encroachment. Hence, the present writ application.

It is submitted by Mr. Nasim Mukhtar, learned A.C. to A.A.G.-12 that there is nothing on record to suggest that the land in question is a public land. Moreover, neither any specific description of the land, nor the names of the persons who have encroached upon the land in question, has been mentioned in the writ application.

Considering the rival submissions of the parties, in view of the nature of relief claimed for, the petitioner is permitted to file detailed representation before respondent no.6, the Circle Officer, Khagaria Sadar, within a period of three weeks from the



date of receipt/production of the copy of this order, when respondent no.6 will examine the revenue records and if it appears to him that the land in question is a public land and the same has been encroachment upon, then he will initiate proceeding under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') forthwith and if such proceeding is initiated, then will take the same to its logical conclusion within a period of four months of its initiation, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Act.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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