

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6900 of 2017

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Ramji Singh, S/o-late Ram Pratap Singh @ Pratapi Singh, Resident of
Village- Sultanpur, P.S.- Desari, Distt- Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Vaishali at Hajipur.
2. The District Magistrate, Vaishali at Hajipur.
3. The Deputy Collector, Land Reforms (D.C.L.R.) Mahnar, Distt- Vaishali.
4. The Circle Officer, Sahdei Buzurg, Anchal-Sahdei Buzurg, P.S. - Desari,
Distt- Vaishali.
5. Devendra Paswan, S/o-late Panchu Paswan
6. Surendra Paswan, S/o-late Panchu Paswan, both Residents of Village-
Sultanpur, P.S.- Desri, Distt- Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.

For the Respondent/s : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-07-2017 Heard learned counsel for the petitioner and

learned G.P.-18 for respondent nos. 1 to 4.

The nature of order, this Court intends to pass does
not require issuance of notice to private respondent nos. 5 and 6.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment
removed from Thana No. 534, Khata No. 294 and Plot No. 597,
situated in village Sultanpur in the District of Vaishali.

It is submitted by the learned counsel for the
petitioner that the public road has been encroached upon by
respondent nos. 5 and 6. On the application submitted by the



petitioner to respondent no.3, the D.C.L.R., Mahnar, Case No. 22 of 2014/15 was initiated wherein, notices were issued to respondent no.5, Devendra Paswan and respondent no.6, Surendra Paswan. Consequently, respondent no.3 further directed for measurement of the land in question when respondent no.4, the Circle Officer, Sahdei Buzurg initiated Measurement Case No. 57 of 2015-16 and directed Circle Amin for measurement of the land in question and accordingly, Circle Amin submitted the report, as contained in Annexure-P/1, to respondent no.4 on 17.06.2016, whereby demarcation was made between raiyati land of the petitioner and public road. The report also suggests that part of the public land has also been encroached by respondent nos. 5 and 6. Consequently, respondent no.3, vide order dated 20.12.2016 passed in Case No. 22 of 2014-15, directed respondent no.4 for removal of the encroachment from the government land and to submit report by 31.01.2017, but, till date encroachment has not been removed. However, respondent no.4 initiated encroachment proceeding, vide Encroachment Case No. 01 of 2016-17, fixing the date of removal of encroachment by 23.02.2017 and directed the Circle Inspector vide Memo No. 108 dated 06.02.2017, as contained in Annexure-P/5, to get the encroachment removed from the



government land but till date encroachment has not been removed.

Learned G.P.-18 submits that, at present, he does not have instruction, whether encroachment from the public land has been removed or not.

Having heard the learned counsel for the parties, this Court is dismayed to find that in the instant case, neither the D.C.L.R. nor the Circle Officer had been able to initiate appropriate proceeding under the Bihar Public Land Encroachment Act (herein after referred to as 'the Act'). There is nothing on record to suggest whether any appropriate proceeding under Section 3 of the Act has actually been initiated or notices have been issued to the affected persons. The documents on record, prima facie, suggest that no order under Section 6(1) of the Act has been passed in Encroachment Case No. 1 of 2016-17.

In the circumstances, respondent no.4, the Circle Officer, Sahdei Buzurg is directed to conclude the proceeding of Encroachment Case No. 01 of 2016-17 in accordance with the provisions of the Act within a period of four months from the date of receipt/production of the copy of this order after giving due opportunity of hearing to all the affected persons.

Accordingly, the present writ application is



disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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