

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

**Civil Writ Jurisdiction Case No.8033 of 2017**

=====

Asha Devi, Wife of Basant Ram, House No. 44, R/o Village- Pathra, Police Station-  
Manjhagarh, District- Gopalganj.

.... .... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Land Reforms Department,  
Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Additional Collector, Gopalganj.
4. The Sub- Divisional Officer, Gopalganj.
5. The Circle Officer, Manjha, Gopalganj.
6. Hirdyanath Singh, Son of Late Ramayan Singh, R/o Village- Jhajhwa, Police  
Station- Manjhagarh, District- Gopalganj.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Respondent/s : Mr. MD. KHURSHID ALAM- AAG12

=====

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

**ORAL JUDGMENT**

**Date: 01-08-2017**

Heard learned counsel for the petitioner and  
learned AC to AAG-12.

The present writ application has been filed for a  
direction to respondent authorities to get the encroachment removed  
over Survey Plot No. 1063, 272, 273, which connects village Pathra to  
N.H. 28 but, a part of the same has been encroached upon by private  
respondent no. 6.

However, in view of the nature of relief prayed for  
and the nature of order this Court intends to pass, this Court is not  
inclined either to adjourn the matter any further or to issue notice to



respondent no. 6.

It is submitted by learned counsel for the petitioner that plot no. 272 is recorded as Gairmajarua Aam in the records of rights, whereas plot nos. 1063 and 273 are recorded as raiyati lands, hence, these lands have already been donated by the raiyats to the State of Bihar, and, at present, the road is existing which is used by the public at large. It is further submitted that Respondent no. 6 has encroached some part of Plot No. 272, by digging a pond, though, the proceeding under Bihar Public Land Encroachment Act (hereinafter referred to as the 'Act') being Encroachment Case No. 07 of 2016-17 has been initiated by the respondent no. 5, Circle Officer, Manjha, but the same has not been concluded. In the meantime, the petitioner filed an application before the Public Grievance Redressal Officer, Gopalganj but the same was disposed of vide order dated 13.10.2016, passed by Sub-divisional Public Grievance Redressal Officer, Gopalganj directing the Circle Officer, Manjha to conclude the Encroachment Case No. 07 of 2016-17. The said order was challenged before the First Appellate Authority, Gopalganj, who disposed of the same vide order dated 28.12.2016, directing the Circle Officer, Manjha to get the encroachment removed from the land in question within fifteen days. Consequently, the order of First Appellate Authority was challenged before the District Magistrate,



Gopalganj and the same has been disposed of vide order dated 16.03.2017, directing the Circle Office, Manjha to fill up the pond in pursuance to the order passed in Encroachment Case No. 07 of 2016-17, but till date neither the encroachment has been removed nor the encroachment case has been concluded.

Learned AC to AAG-12 submits that, at present, he is having no instruction in the matter.

Considering the rival submission of the parties, it is expected from the Circle Officer, Manjha, respondent no. 5 to conclude the proceeding of Encroachment Case No. 07 of 2016-17 within a period of three months from the date of receipt/production of a copy of this order, after giving due opportunity of hearing to all the affected persons, under the provisions of the Act.

It is made clear that this Court has not expressed any opinion with regard to the nature of the lands in question, whether the lands are Gairmajarua or raiyati.

Accordingly, this writ application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 01.09.2017 |
| Transmission Date | NA         |

