

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10167 of 2017

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Rambabu Chaudhary, S/o Late Ram Chandra Chaudhary, residents of
Village- Simra (Tola - Hiraiharpur), P.S. Pear, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur.
2. The District Magistrate, Muzaffarpur.
3. The Sub-Divisional Officer (East Muzaffarpur), Dist.- Muzaffarpur.
4. The Circle Officer, Bandra, P.S.- Piar, Dist.- Muzaffarpur.
5. Vinod Mahto, S/o Late Ram Dayal Mahto.
6. Dorik Mahto, S/o Late Tunni Mahto,
7. Ram Pravesh Pandit, S/o Bal Dev Pandit, Respondent No 5 to 7, residents of
Village Simra (Tola- Hiraiharpur), P.S.- Pear, Dist.- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Respondent/s : Mr. SAJID SALIM KHAN-SC25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-11-2017 Heard learned counsels for the parties.

This writ application has been filed for a direction to the respondent authorities to remove the encroachment made by the respondent nos. 5 to 7 over the land appertaining to Khata No. 115, Plot No. 2595, known as Brahm Asthan, situated in village Simra (Tola – Hiraiharpur), P.S. Pear, District – Muzaffarpur.

It is submitted by learned counsel for the petitioner that the land in question is a public land and the same has been encroached upon by private respondent nos. 5 to 7. It is further submitted that the petitioner and others submitted a representation before the concerned authorities, and the last



representation was submitted on 8.4.2017 before the respondent no. 2, the District Magistrate, Muzaffarpur for getting the encroachment removed, but till date neither encroachment proceeding has been initiated nor the encroachment has been removed.

Learned counsel for the respondent State submits that at present he is not having any instruction whether any encroachment proceeding has been initiated or whether the encroachment has been removed or not.

For initiating a proceeding under the Bihar Public land Encroachment Act (hereinafter referred to as the 'Act'), it should appear to the Collector under the Act from an application made by any person or upon the information received from any source that any person has made or is responsible for the continuation of encroachment upon any public land.

No doubt, in the present case, representation was submitted before the respondent no. 2, the District Magistrate, Muzaffarpur and respondent no. 4, the Circle Officer, Bandra but there is nothing on record to suggest that any action has been taken in pursuance to the said representations.

In the circumstances, the respondent no. 4, the Circle Officer, Bandra is expected to examine the revenue records and if need be,



conduct spot verification and on doing so, if it appears to him that the public land has been encroached upon, then he will initiate the proceeding under the Act within two weeks of the receipt/production of a copy of this order and will take such proceedings to its logical end within a period of three months thereafter, after giving due opportunity of hearing to all affected persons in accordance with the provisions of the Act.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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