

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7970 of 2017

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1. Ram Niwash Singh, Son of Late Kapildeo Singh, Resident of Village-
Dharkandha, Police Station- Dinara, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Sub-Divisional Officer, Bikramganj, District- Rohtas.
4. The Anchaladhikari Dinara, District- Rohtas.
5. Sudama Singh.
6. Ram Bachan Singh.
7. Awadhesh Singh, All sons of Late Shivji Singh.
8. Bishwanath Singh, son of Bhagwati Singh.
9. Brajesh Kumar Singh.
10. Rajesh Kumar Singh. Both sons of Late Sita Ram Singh. Respondent
no. 5 to 10 are Resident of Village- Dharkandha, P.S.- Dinara, District-
Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mrs. Bandana Singh, AC to GP 18

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

ORAL ORDER

2 08-08-2017

Heard learned counsels for the parties.

Though the writ application was filed on
24.5.2017, but no counter affidavit has been filed till date.
Accordingly, in view of the nature of order this court intends
to pass, I am neither inclined to adjourn the matter nor issue
notice to the private respondent nos. 5 to 10.

The present writ application has been filed for a
direction to the respondent authorities to get the
encroachment removed over the public land appertaining to



Thana No. 56, R.S. Khata No. 203, R.S. Plot No. 100 situated in Mauza Dharkundha, P.S. – Dinara, District – Rohtas, which has been recorded in the Survey Khatian as Anabad Sarvsadharan.

It is submitted by learned counsel for the petitioner that the land is recorded as Anabad Sarvsadharan and its nature is that of water channel and pathway which is being used by the public at large but the same has been encroached by filling earth and also by blocking the pathway by respondent nos. 5 to 10.

The petitioner submitted an application for getting the encroachment removed from the land in question before the respondent no.4, Circle Officer, Dinara. Consequently, Encroachment Case No. 3 of 2014-15 was initiated by the Circle Officer, Dinara vide order dated 22.11.2014, as contained in Annexure 2, but final order has not been passed therein. On arriving at a prima facie finding that the encroachment has been made by respondent nos. 5 to 10, on a public land notices were directed to be issued under Section 3 of the Bihar Public Land Encroachment Act (hereinafter referred to as the 'Act'). It is further submitted that in pursuance to the order of respondent no. 4, the Circle



Officer, Dinara, Anchal Amin measured the land and submitted a report that the land in question is recorded as Anabad Sarvsadharan in the Khatiyar and the same has been encroached upon by Sudama Singh, Ram Bachan Singh, Awadhesh Singh, Bishwanath Singh, Rajesh Kumar and Brajesh Kumar. Report of the Anchal Amin is part of Annexure 2 but till date, the proceeding has not been concluded, hence, the present writ application.

A.C. to G.P. 18 submits that at present, she is having no instruction whether the proceeding of Encroachment Case No. 16 of 2013-14 has been concluded or not, but she further submits that it will be concluded within a time frame, if it has not been concluded as yet.

Having heard learned counsels for the parties, in view of this Court, since the encroachment proceeding under the Act has been initiated, hence, respondent no. 4 Circle Officer, Dinara is expected to conclude the proceeding of Encroachment Case No. 16 of 2013-14, if the same has already not been concluded, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Act within a period of three months from the date of receipt/production of a copy of this order.



Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Anil/-

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