

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8741 of 2017

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Ram Chandra Singh, Son of Mahesh Singh, resident of Village- Turki, Police Station- Chenari, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
 2. The Collector cum District Magistrate, Sasaram, Rohtas.
 3. The Deputy Collector, Land Reforms, District- Sasaram.
 4. The Circle Officer Chenari, District- Sasaram, Rohtas.
 5. Bigu Paswan @ Dinesh Paswan, Son of Bhola Paswan.
 6. Arjun Paswan, Son of Late Baijnath Paswan,
 7. Halkhori Paswan, Son of Late Sukar Paswan,
 8. Roshan Singh, Son of Late Ram Lakhan Singh
- Respondent Nos.5 to 8 are Resident of Village- Turki, P.S.- Chenari, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.
For the Respondent/s : Mr. Rakesh Srivastava, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2017 Heard Mr. Santosh Kumar, learned Counsel appearing on behalf of the petitioner and Mr. Rakesh Srivastava, learned AC to GP-15 appearing on behalf of the respondent-State.

The present Writ application has been filed for a direction to respondent no.4, the Circle Officer, Chenari, to direct respondent nos. 5 to 8 to vacate the land appertaining to Khata No. 54, Plot No.276, measuring an area 39 decimals, situated in Village-Turki, P.S.-Chenari, District-Rohtas, as directed by respondent no.3, the DCLR, Sasaram vide order dated 06.11.2012, passed in Land Dispute Case No.41 of 2012-13.



Further prayer has been made for removal of encroachment from the public land appertaining to Plot No.276, Khata No. Khata No.54 which is used as 'Rasta' in view of the order dated 06.11.2012, passed by the respondent no.3, the DCLR, Sasaram, in Land Dispute Case No.41 of 2012-13 whereby, he directed the respondent no.4, the Circle Officer, Chenari, for initiation of encroachment proceeding against the encroachers.

Since the Writ application was filed on 23.06.2017, but no counter affidavit has been filed till date and in view of the nature of order this Court intends to pass, this Court neither inclined to adjourn the matter for filing of counter affidavit nor inclined to issue notice to private respondent nos. 5, 6, 7 and 8.

It is submitted by learned Counsel appearing on behalf of the petitioner that for removal of encroachment from the raiyati land of the petitioner appertaining to Plot No. 276, the respondent no.3, DCLR, Sasaram, directed vide order dated 06.11.2012 for dispossession of respondent nos. 5 to 8 and further directed the respondent no.4, the Circle Officer, Chenari to execute delivery of possession to the petitioner after dispossessing the encroachers. So far as prayer with regard to raiyati land of the petitioner is concerned a specific averment has been made in the Writ application is that Execution Case



No. 23 of 2014-15 is pending in the Court of DCLR, Sasaram, for executing the order dated 06.11.2012, passed in Land Dispute Case No.41 of 2012-13. Hence, it is expected from the DCLR, Sasaram, to conclude the execution proceeding being Execution Case No. 23 of 2014-15 within a time frame, preferably within a period of three months after giving due notice to all affected persons, in accordance with law.

It is submitted by learned Counsel appearing on behalf of the respondent-State that in pursuance to order dated 06.11.2012, passed in Land Dispute Case No.41 of 2012-13, if the encroachment proceeding has not been initiated, it will be initiated forthwith and the same will be concluded in accordance with law.

In the circumstances, respondent no.4, the Circle Officer, Chenari, is directed to examine the record and conduct spot verification and if he finds that public road/land has been encroached upon then he will initiate a proceeding in pursuance to order dated 06.11.2012, passed in Land Dispute Case No.41 of 2012-13 with regard to the land in question under the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), if it has not already been initiated and it is expected from him to take such proceeding to



its logical conclusion within a period of three months, by giving
due opportunity of hearing to all affected persons under the Act.

The Writ application is, accordingly, disposed of with the
observation aforesaid.

(Dinesh Kumar Singh, J)

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