

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5278 of 2016

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1. Rahul Kumar Singh Son of Sri Sanjay Kumar Singh, Resident of village-
Jinoriya, P.S.- Daudnagar, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Collector-cum-District Magistrate, Aurangabad
3. Sub-Divisional Magistrate, Daudnagar, District Aurangabad
4. Anchal Adhikari, Daudnagar, District- Aurangabad
5. Station House Officer, Daudnagar Police Station, District Aurangabad
6. Sri Hari Narayan Singh, son of Late Baudh Singh
7. Surajdeo Singh
8. Ram Lakhan Singh, both are sons of Sri Hari Narayan Singh All are residents of
village- Soni, P.S.- Daudnagar, District- Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.

For the Respondent/s : Mr. A.C. to G.A.-10.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 30-03-2017

Heard learned counsel for the petitioner and learned
A.C. to G.A.-10.

The present writ application has been filed with a prayer
for a direction to the respondent authorities to initiate encroachment
proceeding for removal of encroachment made by respondent nos. 6
to 8 over public road appertaining to Plot No. 577 situated adjoining
to Village Jinoriya under Daudnagar Block in the District of
Aurangabad.

It is submitted by the learned counsel for the petitioner



that the link road appertaining to Khata No. 43, Plot No. 551 connects the village of the petitioner to National Highway-98 through its flank over Plot No. 577 which is the part of the National Highway-98 but the same has been encroached by respondent nos. 6 to 8 by erecting huts and thereby obstructed the petitioner and other villagers to reach to National Highway-98. It is further submitted that the petitioner submitted a representation on 29.01.2016, as contained in Annexure-2, before the Sub-Divisional Magistrate, Daudnagar, respondent no.3 with a prayer for removal of such encroachment since the accessibility of village link road to National Highway-98 has been completely disrupted, but till date no encroachment proceeding has been initiated.

Learned A.C. to G.A.-10 submits that he does not have any instruction whether the proceeding under The Bihar Public Land Encroachment Act has been initiated or not or whether the alleged encroachment has been made on the public land or not?

Considering the rival submissions of the parties, this Court is of the view that in the interest of justice, the grievance of the petitioner can be well redressed if the respondent authorities are directed to dispose of the representation of the petitioner as contained in Annexure-2. Hence, it is expected from respondent no.3 that he shall dispose of the representation of the petitioner dated 29.01.2016 as contained in Annexure-2 with a reasoned order within a period of



four weeks from the date of receipt/production of the copy of this order.

It is needless to say that if respondent no.3, prima facie finds that the encroachment has been made on public land/road then he will initiate the encroachment proceeding within a period of four weeks and conclude the same within a period of four months thereafter in accordance with the provisions of Bihar Public Land Encroachment Act after giving due opportunity of being heard to all affected persons.

With the above observation, this writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	.../.../2017
Transmission Date	N/A

