

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15526 of 2014

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Madhusudan Singh, Son of Late Deo Kumar Singh, Resident of Village Ramgarha,
P.S.- Darauda, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, District- Siwan
3. The Sub Divisional Magistrate Maharajganj District Siwan
4. The Circle Officer Darauda, Block- Darauda, District- Siwan
5. Vidya Nand Singh @ Vidya Singh, Son of Late Ramadhar Singh, Resident of Village Ramgarha, P.S. Darauda, District- Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Binay Kumar Mishra, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 07-08-2017

None appears for the petitioner. However, Mr.

Binay Kumar Mishra, learned AC to AAG-15 is present.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the public road appertaining to khata no. 307, plot no. 2104 situated in village – Ramgarha, Block – Darauda, District – Siwan, which is recorded in the Khatiyana as Gairmajarua land but the same has been encroached upon by respondent no. 5. The petitioner made representation before respondent no. 4, Circle Officer, Darauda, respondent no. 3, Sub-divisional Magistrate, Maharajganj and respondent no. 2, District Magistrate, Siwan, as contained in



Annexure- 1, 2 and 3, respectively, but no action has been taken, hence, the present writ application.

A counter affidavit has been filed on behalf of respondent nos. 2 to 4, wherein it has been stated that a proceeding under Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act') has been initiated by the Circle Officer, Darauda on 15.01.2015 vide Encroachment Case No. 04 of 2015-16 and notice has been issued to respondent no. 5. The Circle Inspector conducted an enquiry and submitted his report stating that the land is recorded as Gairmajarua Malik and the nature of Parti Kadim and a well (Chah Pokhra) is shown in possession of Jagdeo Rai and others. A public pond is situated over the land in question, but the same has been encroached upon by respondent no. 5. Further statement has been made in paragraph 8 of the counter affidavit that the proceeding would be taken to its logical end, in accordance with the provisions of the Act.

Considering the stand of the respondents in the counter affidavit, this Court is not inclined to issue notice to respondent no. 5. It is expected from respondent no. 4, Circle Officer, Darauda to conclude the proceeding of Encroachment Case No. 04 of 2015-16 within a period of three months, after giving due opportunity of hearing to all the affected persons in accordance with the



provisions under the Act.

It is made clear that this Court has not expressed any opinion with regard to the nature of the land, affecting the right of any party to the land in question.

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

