

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17660 of 2015

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Ranglal Bind, Son of Jhegent Bind, Resident of Village + Post -Sisaura,
P.S.- Ramgarh, District-Kaimur.

.... Petitioner

Versus

1. The State of Bihar, through the District Magistrate, Kaimur at Bhabhua, District Kaimur.
2. The Additional Collector, Kaimur at Bhabhua, District Kaimur.
3. The S.D.O., Kaimur at Bhabhua, District-Kaimur.
4. The Circle officer, Ramgarh, Kaimur at Bhabhua, District Kaimur.
5. Khakhuni Bind, Son of Bihasu Bind, Resident of Village + Post-Sisaura, P.S.- Ramgarh, District-Kaimur.
6. Satendra Bind, Son of Kakhanu Bind, Resident of Village + Post-Sisaura, P.S.-Ramgarh, District-Kaimur.
7. Narendra Bind, Son of Kakahanu Bind, Resident of Village + Post-Sisaura, P.S.-Ramgarh, District-Kaimur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Respondent/s : Ms. Shilpi Keshri, AC to AAG-10

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-08-2017 Heard Mr. Sumeet Kumar Singh, learned counsel for

the petitioner and Ms. Shilpi Keshri, learned A.C. to A.A.G.-10

for respondent nos. 1 to 4.

Since, the present writ application was registered on
04.11.2015 and till date, no counter affidavit has been filed, this
Court is not inclined to adjourn the matter any further.

The nature of order, this Court intends to pass, does
not require issuance of notice to respondent nos. 5 to 7.

The present writ application has been filed for a



direction to the respondent authorities, particularly, respondent no.4, the Circle Officer, Ramgarh to get the encroachment removed over land appertaining to R.S. Plot No. 2118, R.S. Khata No. 309, Thana No. 241, situated in Village Sisaura, District Kaimur, Bhabhua.

Learned counsel for the petitioner submits that at present, he confines his prayer only to the extent for disposal of the representation of the petitioner, dated 29.05.2015, submitted before respondent no.4, the Circle Officer, Ramgarh, as contained in Annexure-2/B.

Learned counsel for the petitioner further submits that Plot No. 2118 is recorded in the Khatian, as Pind being Sarva Sadharan Land, which further gets reflected from the revisional survey map. Land in question is used by the public at large for grazing of cattle, public ceremonies and as public pathway. The petitioner purchased four decimals of land appertaining to Khata No. 7, Plot No. 467, situated adjacent to public land in question. The petitioner also used to reach his plot through the aforementioned land, but the same has been encroached upon by respondent nos. 5 to 7. For removal of encroachment, the petitioner submitted representation on 29.05.2015 before District Magistrate, Kaimur, Sub-divisional



Officer, Kaimur and Circle Officer, Ramgarh, as contained in Annexure-2(series), but till date, neither any encroachment proceeding has been initiated nor the encroachment has been removed. Hence, the present writ application.

Learned A.C. to A.A.G.-10 submits that at present, she is not having any instruction, whether any proceeding under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') has been initiated or not. However, the writ application may be disposed of in view of the confined prayer of the petitioner to the extent for disposal of the representation of the petitioner dated 29.05.2015, by respondent no.4, as contained in Annexure-2/B, within a time frame.

Having heard the counsels for the parties, this Court is of view that for initiation of proceeding under Section 3 of the Act, the only requirement is that if it appears to the Collector under the Act, from an application made by any person or upon information received from any sources that any person has made or is responsible for the continuation of any encroachment upon public land. In the present case, the representation for removal of encroachment was submitted before respondent no.4, the C.O., Ramgarh, as far back as on 29.05.2015, but there is nothing on record to suggest that he made any effort to find out, whether any encroachment is made on



the public land or not, or whether the land in question is actually a public land or not.

In the circumstances, respondent no.4, the Circle Officer, Ramgarh is directed to dispose of the representation of the petitioner dated 29.05.2015, as contained in Annexure-2/B within a period of two weeks from the date of receipt/production of a copy of this order and if it appears to him that encroachment has been made on a public land, then he will forthwith initiate a proceeding under the Act, if the same has already not been initiated, and take the same to its logical conclusion within a period of three months thereafter, after giving due opportunity of hearing to all the affected persons, in accordance with the provisions of the Act.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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