

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4870 of 2014

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1. Deomanti Devi W/O Surendra Rai
2. Mosmat Nago Devi Widow Of Late Kameshwar Rai
3. Munilal Rai S/O Late Jai Govind Rai
4. Makuni Rai S/O Late Ram Sundar Rai All Resident Of Village- Abu
Mahammadpur, Ward No. 8, P.O/ P.S- Bakhtiyarpur, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Secretary, Revenue & Land Reforms,
Department, Bihar, Patna.
2. The D.M- Cum- Collector, Patna.
3. The Superintendent Of Police (Rural), Patna.
4. The Sub Divisional Officer, Barh, District- Patna.
5. The Sub Divisional Police Officer, Barh, Distt- Patna.
6. The Circle Officer, Bakhtiyarpur, Distt- Patna.
7. The S.H.O., Bakhtiyarpur, P.S- Distt- Patna
8. The Executive Officer, Nagar Panchayat, Bakhtiyarpur, Distt- Patna.
9. Raj Hansh Rai S/O Kailash Rai Resident Of Village- Madhopur, P.S-
Bakhtiyarpur, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh, Adv.

For the Respondent/s : Mr. Ravi Ranjan, AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-08-2017 Heard Mr. Sidhendra Narayan Singh, learned

Counsel appearing on behalf of the petitioners and Mr. Ravi
Ranjan, learned AC to SC-22, appearing on behalf of the
respondent State.

The nature of order this Court intends to pass, does
not require issuance of notice to respondent no.9, Raj Hansh Rai.

The present Writ application has been filed for a
direction to the respondent authorities to get the encroachment



removed from a public land appertaining to Thana No. 138, Khata No. 380, Plot No.2668 and Khata No. 144, Plot No. 2667, situated under Nagar Panchayat, Bakhtiyarpur at Mauza- Raghopur, P.S.- Bakhtiyarpur, District- Patna.

It is submitted by learned Counsel appearing on behalf of the petitioner that the land in question is recorded in the revenue record as 'Gairmajarua Malik' and it has been vested in the State Government by operation of the provisions of the Bihar Land Reforms Act, 1950, but the same has been encroached upon by respondent no.9, Raj Hansh Rai. Though, the matter was enquired into by the Revenue Karamchari as well as the Circle Inspector and a report was submitted to the effect that the land in question is recorded in revenue records as 'Gairmajarua Malik' and the same has been encroached upon by respondent no.9. Accordingly, Encroachment Case No. 4 of 2014 has been initiated, but respondent no.6, the Circle Officer, Bakhtiyarpur in connivance with respondent no.9, has not only allowed respondent no.9 to make construction over the land in question, but he is also not allowing the encroachment proceeding to reach to its logical conclusion.

Learned AC to SC-22 submits, while relying on the counter affidavit filed by respondent nos.4 and 6 that



Encroachment Case No. 4/2014 got initiated on the basis of the report of Halka Karamchari as well as the Circle Inspector, who have reported to the respondent no.6, the Circle Officer, Bakhtiyarpur that the encroachment has been made on the public land and the notices have been issued to respondent no.9.

Considering the rival submissions of the parties, since, a substantive proceeding has already been initiated, this Court is not inclined to interfere into the matter. However, this Court is dismayed to find that encroachment proceeding was initiated in the year 2014, but it has still not been concluded, which suggests the callous manner in which the authorities, particularly, respondent no.6, the Circle Officer, Bakhtiyarpur, is discharging the *quasi - judicial* functions.

In the circumstances, let respondent no.6, the Circle Officer, Bakhtiyarpur, conclude the proceeding of Encroachment Case No. 4 of 2014 by taking it to its logical conclusion within a period of three months after giving opportunity of hearing to all affected persons, in accordance with the provisions of the Bihar Public Land Encroachment Act.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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