

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16757 of 2014

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Gopal Dubey S/o Late Ramji Dubey, Resident of village- Khudnu Kala, P.S.-
Chenari, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Rohtas (Sasaram)
3. The Deputy Collector, Land Reforms, Rohtas
4. The Circle Officer, Chenari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy

For the Respondent/s : Mr. SC4- MD. RAISUL HAQUE

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 21-07-2017

Learned counsel for the petitioner is permitted to
make necessary correction in the petition.

Heard Mr. Ashutosh Tripathy, learned counsel for the
petitioner and learned AC to SC-10.

The present writ application has been filed for a
direction to respondent authorities to remove encroachment from the
public land appertaining to R.S. Khata No. 234, Khesra No. 825 and
805, measuring an area of 64 decimals and 03 decimals, respectively,
situated in village Khudnu Kala, P.S. Chenari, District – Rohtas.

It is submitted by learned counsel for the petitioner
that the land in question is recorded as Anabad Bihar Sarkar (general



public road) in the Revisional Survey Khatiyar but the same has been encroached upon. A public petition was filed before the Circle Officer, Chenari, respondent no. 4, on 03.11.2010, as contained in Annexure-1, for removal of the encroachment from the land in question. The Circle Officer, Chenari, directed Circle Inspector to submit a report in the matter. The Circle Inspector submitted a report to the effect that the land in question has been encroached upon but thereafter, no action has been taken to get the said encroachment removed. Though, the petitioner also filed an application raising grievance before the DCLR, Rohtas (Sasaram), as contained in Annexure-2, for removal of encroachment. Thereafter, the petitioner also submitted application before the Circle Officer, Chenari, on 25.06.2014, as contained in Annexure-3, but there is nothing on record to suggest that any proceeding has been initiated under Bihar Public Land Encroachment Act (hereinafter called as the 'Act') for removal of the encroachment. Hence, the present writ application.

Learned AC to SC-10 submits that, at present, he is having no instruction whether any encroachment proceeding has been initiated or not. This writ application has been filed on 22.09.2014. Hence, this Court is not inclined to grant any adjournment.

Having heard the counsels for the parties, this Court is of the view that an encroachment proceeding under Section 3 of the



Act can be initiated by the Collector under the Act, upon an application made by a person or upon the information received from other sources that any person has made encroachment upon any public land. In the present case such application before Respondent No. 4 was made as far back as on 03.11.2010 and consequently the Circle Inspector has also submitted a report to the effect that public land has been encroached upon, but no action has been taken as yet.

Accordingly, this application is disposed of with a direction to respondent no. 4, to dispose of the representation of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order and if he comes to a conclusion that the public land has been encroached upon, then he would initiate a proceeding forthwith, if no proceeding has been initiated till date and to take the proceeding to its logical conclusion within a period of four months, after giving proper opportunity of hearing to all the affected persons in accordance with the provisions of Bihar Public Land Encroachment Act.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2017
Transmission Date	NA

