

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4849 of 2014

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1. Narendra Prasad, Son Of Radha Raman Prasad
2. Laxman Prasad, Son Of Late Ramesharey Prasad
3. Jogendra Prasad, Son Of Late Ramesharey Prasad
4. Deenanath Prasad, Son Of Narendra Prasad
5. Prayagji Prasad, Son Of Late Anand Prasad
6. Reepusudan Prasad, Son Of Late Jagdesb Prasad
7. Ram Balak Prasad, Son Of Late Narayan Prasad
8. Vijay Kumar, Son Of Sambar Prasad
9. Mirtunjay Prasad, Son Of Late Suresb Prasad
10. Brij Kishore Prasad, Son Of Ram Dayal Prasad
11. Kaushal Kishore Prasad, Son Of Late Siyaram Prasad
12. Shankar Prasad, Son Of Late Balram Prasad
13. Omkaran Prasad, Son Of Late Balram Prasad

All Residents Of Village Musachak, Police Station Bairganiya, District Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Sitamarhi
3. The Anchal Adhikari, Bairganiya, District Sitamarhi
4. Awadh Bihari Prasad Son Of Gopalji Prasad
5. Pradeep Prasad Son Of Late Bhola Prasad
6. Ramdeo Paswan Son Of Late Baran Paswan
7. Satyadeo Paswan Son Of Late Baran Paswan
8. Rajeshwar Paswan Son Of Late Dhaneshwar Paswan

Nos. 4 To 8 All Residents Of Village Musachak, Police Station Bairganiya, District Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Khatim Reza, Adv.
For the : Mr. Sanjeev Kumar, AC to AAG-4,

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-07-2017 Heard learned counsel appearing on behalf of the

petitioners and learned AC to AAG-4 appearing on behalf of

Respondent Nos. 1 to 3.



The present writ application has been filed for a direction to Respondent No.2, the District Magistrate, Sitamarhi, to get the encroachment removed from the public land pertaining to Khata No.1104, Plot No. 1835, area 30 decimals, situated in the Village –Musachak, Block –Bairganiya, in the District of Sitamarhi. The aforesaid land in question is a ditch used for discharge of the drainage water from several houses situated in the village used to submerge into the said ditch.

It is submitted by learned counsel for the petitioner that the petitioner submitted a representation on 17/02/2011 to Respondent No.3, the Circle Officer, Bairganiya, on 17/02/2011, the Panchayat Mukhiya also submitted a representation dated 17/02/2011 stating therein the difficulty being faced by the local residents due to encroachment being made, but till date, the encroachment has not been removed from the land in question. It is further submitted that the petitioner along with the villagers also filed a complaint before Respondent No.2, the District Magistrate, Sitamarhi, on 21/01/2013, vide Complaint Case No. 5607, but till date no action has been taken.

Learned counsel for the respondent State submits that let Respondent No.3, the Circle Officer, Bairganiya, be directed to initiate an encroachment proceeding, if any encroachment has



been made on a public land and same may be directed to be concluded within a reasonable time.

In view of the nature of order which this Court intends to pass, there is no need to issue notice to the private respondents.

Considering the rival submissions of the parties, the writ application is disposed of with a liberty to the petitioners to submit a representation with a prayer for removal of encroachment before Respondent No.3, the Circle Officer, Bairganiya, within a period of four weeks, from the date of receipt/production of a copy of this order, who will dispose of the same, upon its filing, within a period of four weeks thereafter. If respondent no.3, *prima facie* finds that encroachment has been made on the public land then, appropriate proceeding be initiated, if already not been initiated, and be taken it to its logical conclusion, after giving due opportunity of hearing to all the affected person, in accordance with the provisions of the Bihar Public Land Encroachment Act.

(Dinesh Kumar Singh, J)

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