

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6818 of 2015**

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Jitan Singh. Son of Sri Kamla Prasad Singh. Village - Parasiya, P.S.- Kuchila, Post - Kuchila, District - Rohtas of Sasaram.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Rohtas at Sasaram.
3. The Circle Officer Kochas, Rohtas at Sasaram.
4. Bhim Prasad Singh. Son of Late Radha Prasad Singh.
5. Mohan Prasad Singh. Son of Late Sah Deo Pd. Singh.
6. Ram Jee Raj Bhar. Son of Gouri Raj Bhar. All 4,5,6, are Resident of Village - Parasiya, P.S.- Kuchila, Post - Kuchila, District - Rohtas at Sasaram.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate  
For the Respondent/s : Mr. Sanjay, AC to AAG-4

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 08-09-2017**

Heard Mr. Dharmendra Kumar Singh, learned  
counsel for the petitioner and Mr. Sanjay, learned AC to AAG-4.

The present Writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the land appertaining to Thana No. 302, R.S. khata No. 31 and R.S. Plot No. 45/46/47, measuring an area of 1.42/1.30 and 1.10 decimals situated in Mouza – Parasiva, P.S. Kuchila, District – Rohtas. The same has been used as a public road by the villagers at large and is recorded as ‘Sarv Sadharan Bihar Sarkar’ and the land in question has been encroached upon by respondent nos. 4, 5 and 6.



It is submitted by learned counsel for the petitioner that the land in question is a public road but the same has been encroached upon as far back in 2001 and on the application of the petitioner and others, Encroachment Case No. 04 of 2011-12 was initiated by respondent no. 3, Circle Officer, Kochas, but till date, the said proceeding has not been concluded. However, the Circle Officer directed the Anchal Amin to get the area measured, when no final order has been passed in the said encroachment case.

It is submitted by learned AC to AAG-4 that the encroachment proceeding will be concluded within a time frame. However, at present, he is having no instruction whether the proceeding has been concluded or not.

Considering the fact that the Writ application has been filed in 2015, but no counter affidavit has been filed till date, this Court is not inclined to adjourn the matter any further. The nature of order this Court intends to pass, does not require to issue notice to respondent nos. 4, 5 and 6.

Having heard the learned counsels for the parties, the material on record suggests that the encroachment proceeding under Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act') was initiated as far back in 2011 being Encroachment Case No. 04 of 2011-12, but there is nothing on record



to suggest that the encroachment proceeding has been concluded till date, which suggests the callous manner in which the Circle Officer, being the Collector under the Act, is discharging the quasi judicial function.

In the circumstances, respondent no.3, Circle Officer, Kochas is expected to conclude the proceeding within a period of two months, by taking to its logical conclusion, after giving due opportunity of hearing to all the affected persons, if the proceeding has not been concluded as yet in accordance with the provisions of the Act.

Accordingly, this Writ application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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| AFR/NAFR          | NA         |
| CAV DATE          | NA         |
| Uploading Date    | 19.09.2017 |
| Transmission Date | NA         |

