

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18889 of 2013

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Kashi Yadav, S/o Late Singhashan Yadav @ Singhashan Raut, Resident of
Village - Parau Tola, Baswaria, P.S. - Lauria, District - West Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Collector-Cum-District Magistrate, West Champaran at Bettiah
2. The Collector-Cum-District Magistrate, West Champaran at Bettiah
3. The Additional Collector, West Champaran, Bettiah
4. The Sub Divisional Officer, Narkatiaganj, District - West Champaran
5. The Circle Officer, Lauria Circle, Lauria, District - West Champaran
6. Prahlad Mistri, S/o-Satyanarayan Mistri, Resident of Village - Parau Tola, Baswaria, P.S. - Lauria, District - West Champaran
7. Satan Sharma @ Somari Sharma, S/o Sri Baxor Sharma Resident of Village - Parau Tola, Baswaria, P.S. - Lauria, District - West Champaran.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Respondent/s : Mr. Manikant Mishra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-06-2017 Heard learned counsels for the petitioner and respondent nos. 6 and 7 and learned A.C. to G.P.-23 for respondent nos. 1 to 5.

The present writ application has been filed for a direction to the respondent authorities for getting the encroachment removed from the public road bearing Khata No. 9 Plot No. 613 situated in Village Parau Tola, Baswariya in the District of West Champaran which connects Parau Tola, Baswariya Village to National Highway 28B running from Bettiah town to Lauria.



It is submitted by the learned counsel for the petitioner that due to the encroachment made by respondent nos. 6 and 7, the ingress and egress of the petitioner to his house and movement of others has been obstructed.

It appears that Encroachment Case No. 01 of 1987-88 was initiated for removal of the encroachment wherein final order was passed on 20.06.1987 by Circle Officer, Lauria, respondent no.5 whereby it was held that the petitioner, Kashi Yadav and respondent no.6, Prahlad Mistri, both are encroachers of the land in question, hence they had been directed to remove the encroachment, failing which it was directed to remove the encroachment by deputing police force. Against the order of Circle Officer dated 20.06.1987, respondent no.6 preferred Appeal No. 269 of 1991-92 before the Addl. Collector, West Champaran, Bettiah which was disposed of vide order dated 28.10.1992 affirming the order of the Circle Officer with a direction to take action against all the encroachers. Subsequently, on the request of Circle Officer dated 03.10.1991, the Sub-divisional Officer deputed Bharat Kumar Dubey as In-charge Magistrate and directed to get encroachment removed on 10.10.1991 and to transmit the compliance report.



It is submitted by learned counsel for respondent nos. 6 and 7 that there is no doubt that the Circle Officer had found the petitioner and respondent no.6 as encroachers and respondent no.6 is ready to remove the encroachment but the petitioner also has to comply the order of the Circle Officer.

Learned counsel for the petitioner also submits that he is ready to comply with the order of the Circle Officer.

Learned A.C. to G.P.-23 submits that the order of the Circle Officer will be executed/implemented within a period of four weeks from the date of receipt/production of a copy of this order, if the same has not been complied.

Having heard the learned counsels for the parties, this Court is dismayed that the order for removal of encroachment has not been implemented in last thirty years in spite of specific provision for implementation of the order under Section 7 of the Bihar Public Land Encroachment Act and provision for awarding punishment under Section 6(2) of the Act.

In the circumstances, the present writ application is disposed of with a direction to the Circle Officer, Lauria, respondent no.5 to implement the order dated 20.06.1987 passed in Encroachment Case No. 01 of 1987-88, within a



period of four weeks from the date of receipt/production of the copy of this order, if the same has not already been implemented or if the same has not been modified or stayed.

(Dinesh Kumar Singh, J)

Amrendra/-

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