

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20157 of 2014

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1. Parshuram Bhagat S/O Late Yadunandan Bhagat, Resident of Village-Auraiya, Barai Tola, P.S.- Bettiah Mufassil, District- West Champaran

.... Petitioner/s

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 Sub Divisional Officer, Bettiah Sadar, West Champaran
4. The Circle Officer (anchal Adhikari), Chanpatia Anchal, Chanpatia, West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. Anirudh Kumar Singh, AC to GP 25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2017

Heard learned counsels for the parties.

Since the writ application was filed in 2014 and till date no counter affidavit has been filed, this Court is not inclined to adjourn the matter.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the public road, appertaining to Khata No. 408, Plot No.2335 which connects Bettiah-Sikta main road to Barai Tola (Auraiya) village of Chanpatia Anchal.

It is submitted by learned counsel for the



petitioner that the aforesaid public road and its flanks have been encroached upon by several people. The land in question is recorded in revisional survey Khatian as 'Gairmajarua aam' and its nature is Rasta. Khatian has been brought on record as Annexure 1, which reflects that the width of the road is 50-60 feet, but it has been reduced to 8 to 10 feet obstructing the vehicular traffic of the villagers causing inconvenience to the public at large.

The petitioner transmitted representation dated 13.10.2014 through registered post, as contained in Annexure 2, to the respondent no. 4, the Circle Officer, Chanpatia and a copy of which has been transmitted to respondent no.2, the District Magistrate, West Champaran. Thereafter on 3.11.2014, the petitioner gave an application as contained in Annexure 4, to respondent no. 4, the Circle Officer, Chanpatia and also to respondent no.2, the District Magistrate, West Champaran, as contained in Annexure 5, for getting the encroachment removed but till date, neither the encroachment has been removed nor any proceeding under Bihar Public Land Encroachment Act (hereinafter referred to as the 'Act') has been initiated with regard to the land in question. Hence, the present writ application.



Learned AC to GP 25 submits that at present, he is not in a position to submit whether any encroachment proceeding has been initiated or the encroachment has been removed from the land. He is also not in a position to controvert the contention of learned counsel for the petitioner that the land in question is a public road. However, it appears that the land in question is recorded as Gairmajarua aam Rasta in the revisional survey Khatian.

Considering the rival submissions of the parties, this Court is dismayed to find that several representations were made before the District Magistrate as well as Circle Officer since 2014, but they did not bother to examine the issue or to initiate any proceeding under the Act, which reflects the casual manner in which the authorities of the State are discharging their quasi judicial function.

In the circumstances, the respondent no. 4, the Circle Officer, Chanpatia is expected to examine the issue and if it appears to him that the public road or its flanks have been encroached upon, then he will initiate the proceeding under the Act within two weeks of the receipt/production of a copy of this order and will take it to its logical end within a period of three months thereafter, after giving due



opportunity of hearing to all affected persons in accordance with the Act.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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