

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16964 of 2016**

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1. Ashok Kumar Singh Son of Yadu Nandan Singh Resident of Village- Baraini Cherki, P.S.- Cherki, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Primary Education, Govt. of Bihar, Patna.
2. The Commissioner, Magadh Range, Gaya.
3. The Secretary, Urban Development and Land Reforms Department, Govt. of Bihar, Patna.
4. The District Magistrate, Gaya.
5. The Sub Divisional Officer, Bodh Gaya, District- Gaya.
6. The Deputy Collector, Land Reform, Bodh Gaya, District- Gaya.
7. The Circle Officer, Bodhgaya, District- Gaya.
8. The Superintendent of Police, Gaya.
9. The Deputy Superintendent of Police, Bodhgaya, District- Gaya.
10. The Station House Officer, Police Station- Cherki, District- Gaya.
11. Karu Paswan Son of Late Sukhdeo Paswan resident of Village- Derawn, P.S.- Cherki, District- Gaya.
12. Karu Choudhary @ Chalitar Choudhary Son of Late Ramdeo Choudhary
13. Ramprit Ravidas, Son of Lalo Ravidas
14. Nagina Manjhi Son of Late Pun Manjhi
15. Bhola Ravidas Son of Late Deo Ravidas
16. Ghuran Manjhi Son of Late Banshi Manjhi
17. Naresh Ravidas Son of Late Ram Kishun Ravidas
18. Kallu Nat Son of Shamsu Nat SI Nos. 12 to 18 are resident of Village- Beladih, P.S.- Cherki, District- Gaya.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ambika Bhagat

For the Respondent/s : Mr. RISHI RAJ SINHA-SC19

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

**ORAL JUDGMENT**

**Date: 17-03-2017**

Heard Mr. Ambika Bhagat, learned counsel for the  
  
petitioner, learned A.C. to S.C.-19 for respondent nos. 1 to 10 and Mr.  
  
Bhaskar Shankar, learned counsel for respondent nos. 11, 12, 13, 14,  
  
17 and 18.

The present writ application has been filed for a



direction to the respondent authorities to remove the encroachment made by respondent no.11 to 18 and some unknown persons over the land appertaining to old Plot no. 200/New 128/129, Old Khata No. 56/ New 148 area 0.07 and 0.97 total area of 1 acre 4 decimal situated at Beladih village (Cherki) Circle Bodhgaya district- Gaya which was gifted by the grand-father of the petitioner namely late Chamari Ram to the government for construction of the School at Cherki Bazar district- Gaya.

It is submitted by the learned counsel for the petitioner that the petitioner submitted applications before the District Magistrate, Gaya and Commissioner, Magadh Range as contained in Annexures- 3 and 4 for removal of the encroachment but the same has not been removed and ultimately the brother of the petitioner Jugal Kishore filed criminal case against some of the encroachers leading to registration of Bodh Gaya P.S. Case No. 26 of 2010 under Sections 447/34 of the IPC the FIR of the same has been brought on record as Annexure5 but till date encroachment has not been removed.

It appears from the counter affidavit filed on behalf of respondent nos. 4 to 7 that the C.O., Bodh Gaya directed Halka Karamchari to submit report and consequently, Halka Karamchari submitted report as contained in Annexure-A to the counter affidavit suggesting that plot in question is recorded in the name of Education Department,



Government of Bihar for construction of School, at Cherki Bazar district- Gaya but the plots in question have been encroached by thirty six persons.

Learned counsel for respondent nos. 1 to 10 submits that Encroachment Case No. 22 of 2016-17 has already been initiated against 36 encroachers whose names find figure in the report of Halka Karamchari and notices have been issued them.

It is submitted by learned counsel for respondent nos. 11, 12, 13, 14, 17 and 18 that the petitioner himself is one of the encroachers on the land in question.

Considering the rival submissions of the parties, since the encroachment proceeding has already been initiated, this Court is not inclined to interfere at this stage.

It is expected from the Circle Officer, Bodh Gaya to conclude the encroachment proceeding within a period of six months and if it is found that encroachment has been made over a public land then needful action be taken under the provisions of Bihar Public Land Encroachment Act.

Accordingly, the present writ application is disposed of.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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