

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9313 of 2017

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Ramdhyan Singh, S/O- Late Lakhan Singh, Resident of Village-Bheriya Kala, P.S. - Buniadganj, District - Gaya.

.... Petitioner

Versus

1. The State of Bihar, through the Commissioner, Magadh Division, Gaya.
2. The District Magistrate, Gaya, District - Gaya.
3. The Circle Officer, Manpur, District - Gaya.
4. Satyendra Singh, S/O- Nagina Singh
5. Upendra Singh, S/O- Nagina Singh
6. Awadh Kishore Singh, S/O- Nagina Singh
7. Sudhir Singh, S/O- Mundrika Singh
8. Ram Surat Singh, S/O- Rajbali Singh
9. Tufan Singh, S/O -Upendra Singh
10. Dhananjay Singh, S/O- Muneshwar Singh
11. Muneshwar Singh, S/O- Late Suryadeo Singh
12. Rajababu, S/O- Chhotelal Singh
13. Amit Singh, S/O- Sewak Singh. All Residents of Village- Bheriya Kala, P.S. - Buniadganj, District - Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Adv.

For the Respondent/s : Mr. S.C.Yadav-GP15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-08-2017 Heard Mr. Ravindra Kumar Sinha, learned counsel for the petitioner and Mr. Rakesh Kumar Srivastava, learned A.C. to G.P.-15.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the land appertaining to Khata No. 195, Plot No. 580, Thana No. 265, situated at Village Bheriya Kala, P.S. Buniadganj, District Gaya.



Since the present writ application has been registered on 06.07.2017, but till date no counter affidavit has been filed, this Court is not inclined to adjourn the matter any further.

In view of the nature of order this Court intends to pass, there is no requirement of issuance of notice to private respondent nos.4 to 13.

It is submitted by learned counsel for the petitioner that the land in question is recorded in the Khatiyan as road and adjacent to the said land, the land of the petitioner appertaining to Khata No. 166, Plot No. 615, Thana No. 265, is situated. The petitioner used the land in question as pathway to ingress and egress from his residential house. The land in question is also used as a public 'rasta' by public at large, but the same has been encroached upon by respondent nos. 4 to 13, by constructing houses. The petitioner submitted representations before respondent no.3 respectively, the Circle Officer, Manpur and before respondent no.2, the District Magistrate, Gaya on 25.01.2017, as contained in Annexure-2 and 3, for getting the encroachment removed from the land in question, but till date no action has been taken. Hence the present writ application.

Learned A.C. to G.P.-15 submits that at present, he is not having any instruction, whether any proceeding under the



provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') has been initiated or not, but from the pleadings of the petitioner, it appears that the petitioner himself is one of the encroachers of the public land in question.

Considering the rival submission of the parties, it is expected from respondent no.3, the Circle Officer, Manpur to dispose of the representation of the petitioner dated 25.01.2017, as contained in Annexure-2, within a period of four weeks from the date of receipt/ production of the copy of this order and if it appears to him that the encroachment has been made over a public land, then, he shall initiate a proceeding under the Act forthwith and take it to its logical conclusion within a period of three months from its initiation, after giving due opportunity of hearing to all the affected persons, in accordance with the provisions of the Act.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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