

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15355 of 2017

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1. Birendra Kumar Rai, Son of Keshaw Prasad Rai, Resident of Village- Katharai, P.O.- Siyadih, Police Station- Charpokhari, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Bhojpur, Ara.
2. The Circle Officer, Charpokhari, District- Bhojpur.
3. The Block Development Officer, Charpokhari, District- Bhojpur.
4. Dewmun Rai, Son of Late Mukhi Rai, Resident of Village- Katharai, P.O.- Siyadih, Police Station- Charpokhari, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Respondent/s : Mr. Rishi Raj Sinha –SC-19

Mr. B. P.Singh, A.C. to S.C.-19.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-12-2017 Heard learned counsel, Mr. Uday Kumar, for the petitioner and Mr. Rishi Raj Sinha, learned Standing Counsel No.19, for the respondent.

The present writ application has been filed for direction to the respondent authorities to get the encroachment removed from public land appertaining to Khata No.292, Khesra No.1146, Khesra No.1141 situated in village, P.S. Chapokhari, District- Bhojpur.

It is submitted by learned counsel for the petitioner that the land in question is a public land as recorded in khatian brought on record as Annexure-1 series, but the same has been encroached



upon by private respondent No.4.

In view of the nature of order, this Court intends to pass, this Court is not inclined to adjourn the matter or to issue notice to private respondent No.4. It is further submitted by learned counsel for the petitioner that for removal of the encroachment, a public representation was submitted before the Circle Officer, Charpokhari, respondent No.2 on 8.8.2016 along with copy of the khatiyani but no action has been taken thereafter, hence the present writ application.

Mr. Rishi Raj Sinha, learned counsel for the respondent submits that, at present, he does not have any instruction whether any proceeding has been initiated or not but he submits that if encroachment has been made on a public land, road, then a proceeding under the Bihar Public Land Encroachment Act (hereinafter called as 'Act') will be initiated and it shall be concluded within a time frame.

Considering the rival submissions of the parties, for initiating a proceeding under Bihar Public Land Encroachment Act, 1956 the only pre-condition under Section 3 of the Act is that it should appear to the Collector from an application made by any person or upon information received from any sources, that any person has made or is responsible for continuation of



encroachment upon any public land. It is not in dispute that in the present application, public representation was submitted but there is nothing on record to suggest that any proceeding has been initiated. However, it is expected from Circle Officer, Charpokhari, respondent No.2 to examine revenue records and if need be conduct spot verification whereupon if it appears to him that any encroachment has been made on public land/road then he will initiate a proceeding under the Act forthwith, if it has already not been initiated and take such proceedings to its logical conclusion within a period of three months after giving due opportunity of hearing of all affected persons in accordance with the provisions in the Act.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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