

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19203 of 2014

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Himanshu Singh, Son of Late Abhilash Singh, Resident of Mohalla-
Katuhari Bagh, Ward No. 36, P.S.- Chapra Town, District- Saran

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Saran
3. The Sub-Divisional Officer, Sadar Chapra, Saran
4. The Circle Officer, Sadar Chapra, Saran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.

For the Respondent/s : Mr. Pankaj Kumar, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2017 Heard Mr. Harish Kumar, learned counsel for the

petitioner and Mr. Pankaj Kumar, learned AC to GA-5 for the

respondents.

The present Writ application has been filed for a

direction to the respondent authorities to conclude the proceeding

of Encroachment Case No. 01 of 2011-12.

It is submitted by the learned counsel for the

petitioner that the public Path of Ward No. 36, Road No. 10902,

situated in Mauja Katuhari Bagh in the town of Chapra, has been

encroached upon by several persons. For removal of the said

encroachment, Encroachment Case No. 01 of 2011-12 has

initiated. The petitioner earlier came before this Court in a PIL



vide CWJC No. 23541 of 2012 with a prayer for same relief, but the said writ application was dismissed vide order dated 19.12.2012, on the ground that the Encroachment Case No. 01 of 2012-13 has already been initiated.

Learned A.C. to G.A.-5 submits that encroachment proceeding has been initiated and notice has been issued to the encroachers for removal of the encroachment. Notice, issued to the encroachers, has been brought on record as Annexure-A to the counter affidavit filed on behalf of respondent nos. 1 to 4.

Having heard learned counsels for the parties, this Court is dismayed to find that the encroachment proceeding has been initiated in the year 2012, but proper notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') has not been issued to the encroachers, which reflects the callous manner in which respondent no.4, the Circle Officer, Sadar Chapra is discharging his quasi judicial function. Notice, brought on record as Annexure-A to the counter affidavit filed on behalf of respondent nos. 2 to 4, does not even bear the encroachment case number. A proceeding, which was initiated in the year 2011-12, has not been concluded as yet, which speaks volumes about the casual approach of the respondent authorities.



In the circumstances, it is expected from respondent no.4, the Circle Officer, Sadar Chapra to take the proceeding of Encroachment Case No. 01 of 2011-12 to its logical conclusion within a period of three months from the date of receipt/production of the copy of this order, after giving due opportunity of hearing to all the affected persons, in accordance with the provisions of the Act.

With the above direction, the present Writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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