

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9423 of 2014**

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Aashutosh Kumar, Son of Nawal Kishore Rai, Resident of village- Harpur Pusa,  
P.S.- Pusa, District- Samastipur

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Land Acquisition and Revenue Department, Bihar,  
Patna
3. The Commissioner, Darbhanga
4. The District Officer, Samastipur
5. The Sub-Divisional Officer, Samastipur
6. The D.C.L.R. Samastipur
7. The District Program Officer, Child Development, Samastipur
8. The Circle Officer, Pusa, Samastipur
9. The Block Development Officer, Pusa, Samastipur
10. The Assistant Engineer, Pusa, Samastipur
11. The Junior Engineer, Pusa, Samastipur
12. The Officer-in-Charge, Pusa, Samastipur
13. The C.D.P.O. Pusa, Samastipur
14. The Mukhia, Panchayat Raj South Harpur, Block- Pusa, Samastipur
15. The Panchayat Sevak, Panchayat Raj South Harpur, Block- Pusa, Samastipur

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar, Advocate

For the Respondent/s : Mr. ANIL KR.SINHA, GA-9

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

**Date: 14-09-2017**

Heard Mr. Ranjan Kumar, learned counsel for  
the petitioner and Mr. Anil Kumar Sinha, learned GA-9, learned  
counsel for the State respondents.

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. 763, Plot No.



2134 situated in village Harpur Ward No. 7, Block- Pusa, District – Samastipur, since an Anganwari centre has been constructed on the land in question.

Learned counsel for the petitioner relies upon an information given by the office of the Circle Officer, Pusa vide letter No. 886 dated 17.10.2013, as contained in Annexure-3, whereby information has been provided to the effect that the land appertaining to Khata No. 763, Plot No. 2134 is a road and is recorded in revenue records as Gairmajarua Aam land.

Counter affidavit has been filed on behalf of respondent nos. 1 to 11 suggesting that Anganwari Centre has been constructed in pursuance to proposal approved in Aam Sabha of the Panchayat and the public road has not been encroached upon.

Learned counsel for the petitioner prays for disposal of the writ application directing Respondent No. 8, the Circle Officer, Pusa to initiate a proceeding under Bihar Public Land Encroachment Act, 1956, if any construction has been made on the public road.

Having heard the learned counsels for the parties, in view of this Court, for initiating a proceeding under Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act') it should appear to the Collector under the Act either on



application made by any person or upon information received from any sources, that any person has made or is responsible for encroachment upon any public land. In the counter affidavit of the respondents basically an attempt has been made to justify the construction of Anganwari Centre, but such construction does not preclude the Collector under the Act, to initiate a proceeding under Section 3 of the Act.

In the circumstances, the petitioner is permitted to file representation before the Respondent No. 8, Circle Officer, Pusa, who after verification of the record, if need be, conduct a spot enquiry, if it appears to him that any construction either of Anganwari Centre or any encroachment has been made on the public road, then he will initiate a proceeding and take to its logical conclusion within a period of three months, after giving due opportunity of hearing to all the affected persons, in accordance with the provisions of the Act.

Accordingly, this Writ application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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| AFR/NAFR          | NA         |
| CAV DATE          | NA         |
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