

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17640 of 2015

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1. Gyan Chandra Sah Son of Late Panchu Sah Resident of village + P.O. Godhna,
P.S. + Anchal Bachhwara, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Munger Division, Munger
3. The District Magistrate, Begusarai
4. The Sub - Divisional Magistrate Teghra, District Begusarai
5. The Circle Officer, Bachhwara, District - Begusarai
6. The Circle Inspector, Bachhwara, District - Begusarai
7. The Anchal Amin, Bachhwara Anchal, Bachhwara, District - Begusarai
8. Ramakant Choudhary son of Ram Bujhawan Choudhary
9. Anil Chaudhary Son of Chandrasekhar Chaudhary
10. Arun Chaudhary Son of Ram Subhag Chaudhary All resident of village + P.O.
Godhna, P.S. + Anchal Bachhwara, District - Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin

For the Respondent/s : Mr. ARVIND KUMAR NO. 1- SC13

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date: 12-04-2017

Heard learned counsel for the petitioner and learned A.C.
to S.C.-20.

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 Thana No. 80, Khata No. 465, Plot
Nos. 660 and 757 situated in Mauza Godhna under Bachhwara Block
in the District of Begusarai as the same has been encroached by
respondent nos. 7 to 9 by constructing shop.

It is submitted by learned counsel for the petitioner that the



land in question was being used by the villagers as road and the same has been encroached by respondent nos. 7 to 9 by constructing shop, which is causing inconvenience to the public at large. The petitioner submitted an application to the Circle Officer, Bachhwara, respondent no.5 for measurement of the land in question. Consequently, Measurement Case No. 01 of 2015-16 was initiated. The Circle Amin, after measuring the land in question with the trace map, submitted measurement report to the Circle Officer, Bachhwara on 08.06.2015, as contained in Annexure-1, suggesting that the land in question being a public road has been encroached and hence recommended for initiation of encroachment proceeding, but, no encroachment proceeding was initiated. Thereafter, the petitioner submitted applications on 26.02.2015 and 18.06.2015, as contained in Annexures-2 (series), before the District Magistrate, Begusarai, respondent no.3, for removal of the encroachment and on 25.07.2015, as contained in Annexure-3, before the Divisional Commissioner for restraining the construction of building. The petitioner again submitted an application before the Circle Officer, Bachhwara on 10.07.2015, as contained in Annexure-4, but till date the encroachment has not been removed.

Learned A.C. to S.C.-20 submits that, at present, he has no instruction whether encroachment proceeding has been initiated or



encroachment has been removed or not.

Considering the rival submissions of the parties, this Court is of the view that in the interest of justice, the District Magistrate, Munger, respondent no.3 and the Circle Officer, Bachhwara, respondent no.5 should dispose of the representations of the petitioner as contained in Annexure-2 (series) and 3 forthwith. Moreover, if the representations of the petitioner is not found to be available then the petitioner will be at liberty to submit a fresh representation with all the relevant documents within a period of four weeks and it is expected from respondent nos. 3 and 5 to dispose of the representation of the petitioner within a period of six weeks thereafter. If it is found that encroachment has been made on the land in question, the encroachment proceeding should be initiated and concluded forthwith under the provisions of Bihar Public Land Encroachment Act after giving due opportunity of being heard to all affected persons.

With the above observation, this writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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