

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14442 of 2014

=====

Ashok Yadav, S/o- Gauri Shankar Yadav, Resident of Village- Kankarbagh,
P.S.- Kankarbagh, P.O.- Lohia Nagar, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through District Magistrate, Patna.
2. The Senior Superintendent of Police, Patna.
3. The Deputy Superintendent of Police, Kankarbagh, Patna.
4. The Thana Incharge, Kankarbagh, Patna-20.
5. The S.D.O., Patna.
6. The D.C.L.R., Patna.
7. The C.O., Patna.
8. Inderjeet Paswan, S/o- Late Basu Paswan
9. Surat Paswan, S/o- Late Basu Paswan
10. Binod Paswan, S/o- Late Basu Paswan
11. Chandrika Paswan, S/o- Late Babu Paswan
12. Lakhan Paswan, S/o- Late Chotu Paswan
13. Bind Paswan, S/o- Late Chotu Paswan
14. Bali Paswan, S/o- Binda Paswan
15. Munu Paswan, S/o- Late Lakhan Paswan
16. Ram Babu Sahni, S/o- Late Sauhia Paswan
17. Santosh Sahani, S/o- Late Ram Babu Paswan
18. Sunder Sahni, S/o- Late Saukhi Sahni
19. Bipat Paswan, S/o- Late Ramdeyal Paswan
20. Ramashis Paswan, S/o- Late Jugeshwar Paswan
21. Sakaldeep Paswan, S/o- Sakhichand Paswan
22. Ranjan Paswan, S/o- Raj Paswan. Respondent Nos. 8 to 22 are Resident of
Village-Duradhi, Pakari, Kankarbagh, P.S.-Kankarbagh, P.O.-Lohianagar,
District-Patna.

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Kamla Pd. Rai, Adv. Mr. Satya Ranjan Sinha, Adv.
For the Respondent/s	:	Mr. Amresh Kr. Sinha, AC to GA-1

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-09-2017 Heard Mr. Kamla Pd. Rai, learned counsel for the

petitioner and Mr. Amresh Kr. Sinha, learned AC to GA-1 for



the respondent-State.

The nature of order this Court intends to pass, does not require issuance of notice to private respondent nos. 8 to 22.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the land appertaining to Plot No. 270, Khata No. 78, Tauzi No. 355, situated in Mohalla Dusadhi Pakari, P.S. Kankarbagh, District Patna.

It is submitted by learned counsel for the petitioner that the land in question is recorded in the Khatian as 'Gairmajarua Aam' land and the said land is being used as a public road by the public at large, but the same has been encroached upon by private respondent nos. 8 to 22. For removal of encroachment from the land in question, a public petition was filed before the respondent authorities, but they failed to take any action. Subsequently, C.W.J.C. No. 3826 of 2014 was filed by way of Public Interest Litigation and the same was disposed of by Division Bench of this Court vide order dated 06.03.2014, as contained in Annexure-1, in view of the alternative statutory remedy available to the petitioner under the Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act'). Consequently, proceedings, being Encroachment Case No. 4/7



of 2015-16, under the Act were initiated, but neither proceedings have been concluded, nor the encroachment has been removed from the land in question, till date. Hence, the present writ application.

Learned AC to GA-1 submits that the encroachment proceedings have already been initiated and the encroachment on the said land has been demarcated by the Circle Amin on 09.07.2015 in presence of respondent no.7, the Circle Officer, Fulwarisharif. Subsequently, the affected persons were heard on 24.07.2015 and thereafter, the next date was fixed on 18.08.2015. The counter affidavit was filed on 02.11.2015, almost two years have gone by, but at present, learned AC to GA-1 is not having any instruction whether the encroachment proceedings have been concluded or not.

Having heard the learned counsels for the parties, since encroachment proceedings are pending almost since last two years before respondent no.7, the Circle Officer, Patna, it is expected from respondent no.7, the Circle Officer, Patna to conclude the proceedings of Encroachment Case No. 04/07 of 2015-16, by taking the same to its logical conclusion, within a period of two months from the date of receipt/production of a copy of this order, if the same have already not been concluded,



after giving due opportunity of hearing to all affected persons,
in accordance with the provisions of the Act.

Accordingly, with the above observation and direction, the
present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U			
---	--	--	--

