

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11265 of 2013

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Ramchandra Singh, Son of Late Moti Raj Singh, Resident of Village- Barki Khairi,
Police Station - Sheosagar, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Rohtas at Sasaram
3. The Sub-Divisional Officer, Sasaram District - Rohtas
4. The Anchaladhikari , Sheosagar, District - Rohtas
5. Ram Pukar Singh Son of late Jagdish Singh Resident of Village - Baraki Khairi,
Police Station - Sheosagar, District - Rohtas
6. Lalan Singh Son of Late Baikunth Singh Resident of Village - Baraki Khairi,
Police Station - Sheosagar, District - Rohtas
7. Krishna Singh Son of late Sheopujan Singh Resident of Village - Baraki Khairi,
Police Station - Sheosagar, District - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 21-04-2017

Heard learned counsel appearing on behalf of the
petitioner and GP-9 appearing on behalf of the respondent nos. 1 to 4.

The present writ application has virtually been filed for
implementation/execution of the order dated 28.08.2007, passed in
Encroachment Case No.18/2007-08 and 33/2006-07 within a specified
period, whereby the Circle Officer, Sheosagar (respondent no.4) has
directed for removal of encroachment made by respondent nos. 5,6
and 7, from the land in question appertaining to Chak Khata No.84,
Chak Plot No.163, admeasuring an area 1.33 acres situated in Mauza



Baraki Khairi, P.S.-Sheosagar, in the District of Rohtas. The land in question is recorded as Anabad Sarvasadharan in Khatiyani, but the same has been encroached upon by respondent nos. 5, 6 and 7. Hence, the notices were directed to be issued for removal of encroachment from the land in question in terms section 6(1) of the Bihar Public Land Encroachment Act,

This Court is really dismayed to find that the citizens of the State have to seek remedy under Article 226 of the Constitution, of India for execution of the order passed by the Circle Officer, which is a sad reflection on the callous manner in which the Collectors/District Magistrates and the other concerned officers are functioning through the State of Bihar. For getting the encroachment removed or getting the order passed under section 6(1) of the Act, there are specific provisions under the Act incorporated under section 6(2) and 7 of the Act, which reads as under :

"6(2) If any person does not comply with the orders passed by the Collector under this section, he shall be punishable with imprisonment for a term which may extend to one year or with fine up to Rs.2000/- or with both.

(7) Power of the Collector to get encroachment removed and recover cost of the removal. – If any person fails to comply with the orders passed by the Collector under Section 6 directing the removal of any encroachment by the date fixed, the Collector shall cause the encroachment to be removed in such manner as he deems fit and the cost of such removal shall be recovered from such person."



Under the circumstances, if the order dated 28.08.2007 passed by the Circle Officer, Sheosagar (respondent no.4) in Encroachment Case No.18/2007-08 and 33/2006-07, as contained in annexure-3, has not been implemented, or has not been stayed, or annulled by any competent authority or Court, then the same may be executed without any delay after giving due opportunity of being heard to all the effected persons, in accordance with law, within a period of four weeks.

It is high time, that the District Magistrate, Rohtas, should find out how many similar encroachment proceedings are pending and take appropriate information regarding the pending matters and issue necessary directions, for disposal of the encroachment proceedings within a specified time frame, to all the Circle Officer, under the provisions of the Act.

With the aforesaid direction, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

