

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17074 of 2015

Shivpujan Pandey, Son of Late Ram Prakash Pandey, Resident of Village-
Sugauli, Police Station- Shikarpur, Anchal - Narkatiaganj, District- West
Champaran at Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development Department
Govt. of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah
3. The Additional Collector, West Champaran at Bettiah
4. The Land Reforms Deputy Collector, Narkatiaganj, District- West Champaran
at Bettiah
5. The Circle Officer, Narkatiaganj, District- West Champaran at Bettiah
6. Jhunni Patel
7. Munna Patel
Both sons of Dhodha Patel
8. Rahmatullah Mian, son of Ishrayal Mian
9. Jajul Mian, son of Lal Mohammad Mian
10. Yunus Mian son of Nakchhed Mian

All Residents of Village- Sugauli, Police Station- Shikarpur, Anchal-
Narkatiaganj, District- West Champaran at Bettiah

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raghunandan Kumar Singh, Adv
For the Respondent/s	:	Mr. Rakesh Kumar Srivastava, AC to GP-15

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-11-2017 Heard Mr. Raghunandan Kumar Singh, learned Counsel
appearing on behalf of the petitioner and Mr. Rakesh Kumar
Srivastava, learned AC to GP-15, appearing for the respondent-
State.

The present Writ application has been filed for a direction
to the respondent authorities for removal of the encroachment
from the settled land of the petitioner appertaining to Plot
No.620/1239, Khata No.39 situated in Village-Sugauli, P.S.-



Shikarpur, Circle – Narkatiaganj, District- West Champaran at Bettiah. Further prayer has been made for commanding the respondent authorities to implement the order dated 23.02.2015, passed by respondent no.4, the Land Reforms Deputy Collector, Narkatiaganj, in BLDR Case No.82 of 2014-15, whereby, respondent no.5, the Circle Officer, Narkatiaganj, has been directed to verify the revenue records and if it is found that the settlement has illegally been made in favour of the petitioner, then to take legal action for protecting the interest of the petitioner.

It is submitted by learned Counsel appearing on behalf of the petitioner that the land in question has been settled in favour of the petitioner and the petitioner is paying rent, but the same has been encroached upon by private respondent nos. 6 to 10, namely, Jhunni Patel, Munna Patel, Rahmatullah Mian, Jajul Mian and Yunus Mian. Consequently, the petitioner filed a petition under the Bihar Land Disputes Resolution Act, 2009 (hereinafter referred to as 'the Act'), before DCLR, Narkatiaganj, which was numbered as BLDR Case No.82 of 2014-15 and was heard by the DCLR, Narkatiaganj and the same was disposed of vide order dated 23.02.2015, whereby, respondent no.5, the Circle Officer, Narkatiaganj, was directed to



verify the records and if it is found that the settlement has illegally been made in favour of the petitioner, then to take legal action for protecting the interest of the petitioner, as contained in Annexure-5. Accordingly, respondent no.5, the Circle Officer, Narkatiaganj, vide Letter No.739, dated 01/06/2015, directed the Circle Inspector, Narkatiaganj, to measure and demarcate the land in question and to get the issue resolved, as contained in Annexure-5, but till date the order of the DCLR has not been implemented.

Learned Counsel for the respondent-State submits that the State- authorities are in process of implementing the order as gets reflected from the direction of the Circle Officer, as contained in Annexure-5 to the Writ application.

Considering the rival submission of the parties, this Court is of the view that so far as the prayer for removal of encroachment from the land in question is concerned, since the petitioner has claimed the encroachment being made by private respondent on his private land, hence, no direction under the Bihar Public Land Encroachment Act, 1956, can be issued. So far as the implementation/execution of order of the DCLR passed in BLDR Case No.82 of 2014-15 is concerned, there is specific provision under Sections 15 and 15A of the Act with



regard to execution of the order passed by the competent authority and punishment for obstruction in execution or willful disobedience or non-compliance of final order. Hence, the Writ application is disposed of with liberty to the petitioner to file appropriate application before the competent authority for exercise of jurisdiction under Section 15 of the Act.

It is expected from the authorities concerned to dispose of such application within a time frame expeditiously.

(Dinesh Kumar Singh, J)

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