

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19826 of 2013

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Ashok Kumar Sah, S/o Bhuneshwar Sah, Resident of Village- Singhwara, P.S-
Singhwara, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Commissioner, Darbhanga Division, Darbhanga.
3. Collector, Darbhanga District, Darbhanga.
4. Sub- Divisional Officer, Darbhanga.
5. Anchal Adhikari, Singhwara Anchal, District- Darbhanga.
6. Bachchi Devi, W/o Lakshmi Narayan Kamti, a Resident of Village- Singhwara,
P.S- Singhwara, District- Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAJNI KANT JHA

For the Respondent/s : Mr. RAKESH KR SAMRENDRA

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 19-06-2017

Heard learned counsel for the petitioner and SC 27
learned counsel for the State.

The present application has been filed for a direction to
the respondent authorities to remove the encroachment made by
respondent no. 6 on the public road pertaining to Thana No. 98,
Khesra No. 1367 (old), area three dhurs situated in Mauja Singhwara
in the District of Darbhanga.

It is submitted by learned counsel for the petitioner that
the public road has been encroached by respondent no. 6 and



representation dated 15.06.2012 was submitted to respondent no. 5, Circle Officer, Singhwara for removal of encroachment from the public land but till date no encroachment proceeding has been initiated.

Learned counsel for the State submits that appropriate directions be issued to Circle Officer, Singhwara (Respondent No. 5) for initiation of encroachment proceeding, if the land in question is public land and has been encroached.

In view of the above submission of the counsel for the State, this Court is not inclined to issue notice to respondent no. 6.

The petitioner is at liberty to file detailed representation before Respondent No. 5 within a period of three weeks describing the encroachment on the public land. It is expected from respondent no. 5, Circle Officer, Singhwara to initiate encroachment proceeding within four weeks of the filing of the such representation, if, prima facie, it is found that the encroachment has been made on public land and if no such proceeding has been initiated till date. It is further expected from respondent no. 5, Circle Officer, Singhwara to take such encroachment proceeding to its logical conclusion within a period of four months of the initiation of the proceeding after giving due notice and opportunity of hearing to all affected persons in accordance with the provisions of Bihar Public



Land Encroachment Act.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2017
Transmission Date	NA

