

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8607 of 2017

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Ramapati Lal Karn Son of late Chethru Lal Das Resident of village Parsauni,
P.S. Bisfi, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna.
2. The Collector, Madhubani.
3. The Sub-Divisional Officer, Benipatti, District Madhubani.
4. The Deputy Collector Land Reforms, Madhubani.
5. The Anchaladhikari Bisfi, District Madhubani.
6. Sitaram Mandal son of Subodh Mandal
7. Sunil Kumar Karn son of late Narayan Das Respondent no. 6 & 7 residents of Village Parsauni P.S. Bisfi, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amarendra Narayan
For the Respondent/s	:	Mr. MD. KHURSHID ALAM- AAG12
		Mr. M.M. Khan, AC to AAG 12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-11-2017 Heard learned counsels for the parties.

Since the writ application was filed on 22.6.2017 but no counter affidavit has been filed, however, in view of the nature of order this Court intends to pass, this Court is neither inclined to adjourn the matter for filing counter affidavit nor to issue notice to respondent nos. 6 and 7.

The present writ application has been filed for a direction to the respondent authorities to demarcate the petitioner's land appertaining to Plot No. 5804 (old) and 5805 (old), corresponding to New Survey Plot No. 9645,9646 and 9647, for which the petitioner had deposited the measurement



fee of Rs.1200/- in the office of the Circle Officer on 20.4.2015. Further prayer has been made for a direction to the respondent authorities to get the encroachment removed from the public road appertaining to Survey Plot No. 5807 (old) 9649(new) and Survey Plot No. 5800 (old) 9665(new) situated in Mauza – Parsauni, Circle – Bisfi, District – Madhubani.

It is submitted by learned counsel for the petitioner that till date neither the demarcation has been done, inspite of deposit of measurement cost by the petitioner, nor the encroachment has been removed from the land in question.

Learned counsel for the official respondents submits that at present, he is not having any instruction whether any measurement/encroachment proceeding has been initiated or encroachment has been removed or not.

Considering the rival submissions of the parties, without expressing any opinion on the nature of the land in question, respondent no. 5, the Circle Officer, Bisfi is directed to examine the revenue records and if need be, make spot verification and on doing so, if it appears to him that the public land appertaining to Survey Plot No. 5807 (old) 9649(new) and Survey Plot No. 5800 (old) 9665(new) situated in Mauza – Parsauni, Circle – Bisfi, District – Madhubani has been



encroached upon, then he will initiate the encroachment proceeding under the Bihar Public Land Encroachment Act (hereinafter referred to as the 'Act') within two weeks of the receipt/production of a copy of this order and will take such proceedings to its logical end within a period of three months thereafter, after giving due opportunity of hearing to all affected persons in accordance with the provisions of the Act.

This writ application is, accordingly, disposed of.

Before parting with this order, this Court is constrained to observe that although several reliefs have been prayed for with regard to different lands but the Stamp Report is silent in this regard, which reflects the casual manner in which the office is functioning.

Let a copy of this order be sent to the Registrar (List & Computer).

(Dinesh Kumar Singh, J)

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