

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6700 of 2017

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1. Ram Lakhan Singh Son of Ram Charitra Singh Resident of Village- Sadipur, P.O. Sondhi, P.S. Moffasil, District-Gaya.
 2. Ambika Singh Son of Ram Khelawan Singh Resident of Village- Sadipur, P.O. Sondhi, P.S. Moffasil, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Gaya Sadar, Gaya.
4. The Circle Officer, Manpur, Distt. Gaya.
5. Baiju Yadav Son of Bhola Yadav Resident of Village- Sadipur, P.O. Sondhi, P.S. Moffasil, District-Gaya.
6. Sidheshwar Yadav Son of Bishnu Yadav Resident of Village- Sadipur, P.O. Sondhi, P.S. Moffasil, District-Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP18
Mrs. Bandana Singh, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 25-07-2017

Heard Mr. Vinay Mistry, learned counsel for the petitioners and Mr. Raj Kishore Roy, GP-18 for the State-respondents.

The present writ application has been filed for a direction to the respondent authorities to initiate encroachment proceeding, since respondent nos. 5 and 6 have encroached the public land appertaining to Plot No. 1014 situated at Sadipur, P.S. Muffasil, District – Gaya, which is recorded in the Government revenue records as Government Aahar but the same has been encroached upon by



respondent nos. 5 and 6.

This Court is not inclined to issue notice to respondent nos. 5 and 6, since the nature of order this Court intends to pass, is not going to decide the right of the parties, in view of the fact that the prayer has only been made for initiation of the proceeding under Bihar Public Land Encroachment Act (hereinafter referred to as the 'Act').

Counsel for the petitioner submits that the land in question is Aahar (Irrigation Channel) and the same has been encroached upon by respondent nos. 5 and 6, who have constructed a cowshed over the land in question. The petitioners' raiyati land appertaining to Plot Nos. 1074, 1075, 1076 and 286 are adjacent to the aforesaid public land. Statement has been made in paragraph 9 of the petition that the petitioners submitted representations before the respondent authorities on 31.01.2017 and 27.03.2017. The petitioners also raised their grievance before Public Grievance Redressal Officer, Gaya on 11.01.2017, but no action has been taken, hence, the present writ application.

Learned AC to GP-18 submits that, at present, he does not have any instruction whether the land in question is public land and whether any proceeding under Bihar Public Land Encroachment Act has been initiated.



Considering the rival submissions of the parties, this writ application is disposed of with liberty to the petitioners to file an appropriate application before respondent no. 4, Circle Officer, Manpur, raising grievance of encroachment of public land (a water channel) by respondent nos. 5 and 6, within a period of four weeks from the date of receipt/production of a copy of this order. In case the respondent no. 4, Circle Officer, Manpur finds that the public land has been encroached upon, then it is expected from him to initiate a proceeding under the Act and it should be taken to its logical conclusion within a period of four months, after giving due opportunity of hearing to all the affected persons under the provisions of the Act.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2017
Transmission Date	NA

