

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13547 of 2015

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Shadhu Das @ Sadhu Sahu, S/O Late Raghubir Sahu, R/O- Baigani, P.S.-
Bahera, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Land Revenue Department, Govt. of Bihar, Patna
2. The District Magistrate, Darbhanga
3. The Sub Divisional Officer, Benipur, District- Darbhanga
4. The Circle Officer, Benipur, Darbhanga
5. Yadu Sharma, S/O- Sarakki Sharma, R/o- Krishnapur (Nawada), P.S.- Bahera, District- Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Respondent/s : Mr. JAI SHANKAR BARNAWAL

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-10-2017 Heard Mr. Ajay Kumar, learned Counsel appearing on behalf of the petitioner and Ms. Nitu Jha, learned AC to GA-12, appearing on behalf of the respondent – State.

Though the present Writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the land of Ram Janki Temple, situated in Village- Baigani, District -Darbhanga, but the same has been encroached upon by respondent no.5, Yadu Sharma.

A counter affidavit has been filed on behalf of respondent nos. 2 and 4, taking a stand that the land in question is not a public land, hence, no proceeding can be initiated under the provisions of the Bihar Public Land Encroachment Act (hereinafter referred to as ‘the Act’). Moreover, the land in



question has been measured and measurement report has been transmitted by respondent no.4, the Circle Officer, Benipur, vide Letter No.682, dated 15.05.2015 to respondent no.3, the Sub-Divisional Officer, Benipur.

Learned Counsel appearing on behalf of the petitioner submits that neither measurement was done in his presence nor the report was provided to the petitioner. In the circumstances, he confines his prayer only for re-measurement of the land in question within a stipulated time frame, concerning which he is ready to deposit the required fee.

In view of the confined prayer for learned Counsel for the petitioner, it is expected from respondent no.4, the Circle Officer, Benipur, to get the land measured on deposit of required fee by the petitioner after due notice to all affected persons within a period of three months and to provide a copy of the measurement report to the petitioner.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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