

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8428 of 2015

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Shiromani Jaiswal, S/o- Satya Narain Choudhary, Resident of Village-
Parwaha, P.S.- Forbesganj, District- Araria.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Collector, Araria.
3. S.D.O., Forbesganj, District Araria.
4. Anchal Adhikari, Forbesganj, District Araria.
5. S.H.O., Forbesganj, District Araria.
6. Md. Muddin Mian, S/o- Late Md. Ashraf Mian
7. Md. Doma, S/o-Late Md. Mehman
8. Md. Karim, S/o- Late Basir Sah, all Resident of Village-Parwaha, P.S.-
Forbesganj, District-Araria.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.
For the Respondent/s : Mr. Roy Shivaji Nath

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-09-2017 Heard Mr. Mritunjay Prasad Singh, learned counsel for the

petitioner and Mr. Anil Kumar Verma, learned AC to AAG-9 for

the respondent-State.

Since the present writ application was registered on
22.06.2015, but till date no counter affidavit has been filed.
Hence, this Court is not inclined to adjourn the matter any
further.

The nature of order this Court intends to pass, does not



require issuance of notice to private respondent nos. 6 to 8.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the public land appertaining to Khata No. 682, Plot No. 856, situated in Village-Parwaha, Ward No. 14, P.S. Forbesganj, District-Araria. Further prayer has been made to take necessary steps on the basis of report of Circle Amin dated 10.01.2015, as contained in Annexure- 1(series), and to conclude proceeding of Encroachment Case No. 07 of 2014-15, which was initiated on the basis of report of the Halka Karamchari dated 02.01.2015.

It is submitted by learned counsel for the petitioner that the land in question is recorded in Khatiyan as 'Gairmajarua Sarv Sadharan Aam land' and the nature of the land in question has been recorded as a road, but respondent nos. 6 to 9 have encroached upon the land in question by constructing hutments over the said land. For removal of encroachment from the land in question, the petitioner filed a representation before respondent no.3, the Sub-Divisional Officer, Forbesganj, on 15.12.2014 and subsequently, a public petition was filed before respondent no.4, the Circle Officer, Forbesganj, on 17.12.2014. Consequently, respondent no.4, the Circle Officer, Forbesganj called for a report from Revenue Karamchari, Halka



Karamchari and Circle Amin, who after conducting enquiry, submitted their reports on 02.01.2015 and 10.01.2015, as contained in Annexure-1(series), stipulating therein that the land in question has been recorded in the Khatiyana as 'Gairmajarua Sarv Sadharan' and the same is being used as road by the villagers at large for agricultural purpose, but the said land has been encroached upon by private respondent nos. 6 to 8, as a result of which, the villagers are facing immense difficulties in carrying out their agricultural work. Though, Encroachment Case No. 07 of 2014-15 was initiated, but in spite of representations being filed on 20.04.2015, before respondent no.3, the Sub-Divisional Officer, Forbesganj, as contained in Annexure-3, and on 29.04.2015, before respondent no.2, the District Magistrate, Araria, as contained in Annexure-4, neither it has been concluded nor the encroachment has been removed from the land in question as yet. Hence, the present writ application.

Learned AC to AAG-9 submits that at present, he is not having any instruction whether the encroachment proceeding has been concluded or not, or the encroachment from the land in question has been removed or not.

In the circumstances, it is expected from respondent no.4,



the Circle Officer, Forbesganj to take the proceeding of Encroachment Case No. 07 of 2014-15 to its logical conclusion, within a period of three months, if the same has already not been concluded, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Bihar Public Land Encroachment Act.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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