

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14006 of 2015

=====

Ram Dev Ray, Son of Late Lakshmi Ray, Resident of Village- Ghaghra, P.O.-
Baburvan, P.S.- Parihar, District- Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Commissioner, Tirhut Division
3. The District Magistrate, Sitamarhi
4. The Sub Divisional Officer, Sitamarhi Sadar, Sitamarhi
5. The Circle Officer, Parihar, Sitamarhi

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.
For the Respondent/s : Mr. Nikhil Kr. Agrawal, AC to GP-9.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-10-2017 Heard Mr. Krishna Kant Singh, learned counsel for the
petitioner and Mr. Nikhil Kr. Agrawal, learned AC to GP-9 for
the respondent-State.

Since the present writ application was registered on
03.09.2015, but till date no counter affidavit has been filed,
hence, this Court is not inclined to adjourn the matter any
further.

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 Survey Plot No. 1590,
Khata No. 256, situated in Village Ghaghra, District Sitamarhi.

It is submitted by learned counsel for the petitioner that the
land in question is a public road, but the same has been



encroached upon by certain persons. For removal of encroachment, a public petition was submitted before respondent No.5, the Circle Officer, Parihar as far back as on 11.12.2014, as contained in Annexure-1, and thereafter again a petition was submitted before respondent no.5, the Circle Officer, Parihar on 06.02.2015, as contained in Annexure-2, but till date neither any proceeding, under the Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act'), has been initiated nor encroachment from the land in question has been removed.

Mr. Agrawal, learned AC to GP-9, on instruction, submits that respondent no.5, the Circle Officer, Parihar visited the spot and has found encroachment and he is going to initiate a proceeding under the Act.

Considering the rival submissions of the learned counsels for the parties, this Court is of the view that for initiating a proceeding under the Act, it should appear to the Collector from an application made by any person or upon information received from any sources that any person has made or is responsible for the continuance of any encroachment upon any public land.

In the circumstances, considering the present stand of the respondent-State, it is expected from respondent no.5, the Circle



Officer, Parihar to initiate a proceeding under the Act within a period of two weeks from the date of receipt/production of a copy of this order, if it, *prima facie*, appears to him that the land in question is a public land and the same has been encroached upon, and take the same to its logical conclusion within a period of three months of its initiation, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Act.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U			
---	--	--	--

