

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16462 of 2015

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Keshwar Pal, Son of Late Sukhdeo Pal, Resident of Village- Batwa, P.S.-
Jamhar, P.O.- Ram Chandra Nagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Circle Officer, Aurangabad.
4. Sikanadar Yadav, Son of Ram Jatan Yadav, Resident of Village- Batwa, P.S.-
Jamhar, P.O.- Ram Chandra Nagar, District- Aurangabad.
5. Gopal Yadav, Son of Sita Ram Yadav, Resident of Village- Batwa, P.S.-
Jamhar, P.O.- Ram Chandra Nagar, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bharat Bhushan, Adv.
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-10-2017 Heard Mr. Bharat Bhusan, learned Counsel appearing on
behalf of the petitioner.

Since no counter affidavit has been filed till date, in the
Writ application which was filed on 09.10.2015, this Court is
not inclined to adjourn the matter any further.

This Court is also not inclined to issue notice to the private
respondent nos. 4 and 5, namely, Sikandar Yadav and Gopal
Yadav, in view of the nature of order this Court intends to pass.

The present Writ application has been filed for
commanding the respondent authorities to dispose of the
representation of the petitioner dated 23.09.2015 submitted
before respondent no.2, the District Magistrate, Aurangabad.



It is submitted by learned Counsel for the petitioner that the house of the petitioner is situated over a land appertaining to Thana No. 273, Khata No.168, Plot No.316, situated in Village – Batwa, P.S.-Jamhar, P.S.-Ram Chandra Nagar, District – Aurangabad, but the ingress and egress has been obstructed by respondent nos. 4 and 5 and they also give threat to life of the petitioner. In that background, the petitioner filed encroachment petition before the D.C.L.R., Aurangabad, wherein the DCLR vide order dated 30.12.2014, directed respondent no.3, the Circle Officer, Aurangabad, to initiate encroachment proceeding and after giving notice to both sides pass appropriate order in accordance with law, as contained in Annexure-2, but till date neither any such proceeding has been initiated nor the encroachment has been removed.

In the circumstances, respondent no.3, the Circle Officer, Aurangabad, is directed to examine the records and if need be visit the spot and thereafter, if it appears to him that public land has been encroached upon, then initiate a proceeding under the provisions of the Bihar Public Land Encroachment Act (hereinafter referred to as ‘the Act’), if it has not already been initiated and will take such proceeding to its logical conclusion within a period of three months after giving opportunity of



hearing to all the affected persons under the Act.

However, if the land in question is not found to be public land then the petitioner will be at liberty to take recourse for the appropriate remedy before the appropriate forum.

However, the present order will not preclude respondent no.2, the District Magistrate, Aurangabad, to dispose of the representation of the petitioner dated 23.09.2015, if it has not already been disposed of.

The Writ application is, accordingly, disposed of with the aforementioned observation and direction.

(Dinesh Kumar Singh, J)

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