

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25694 of 2013

=====

Ram Kumar Singh, S/O Arjun Singh, R/O Village Walipur, P.S. Piparia,
District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the District Collector, Lakhisarai.
2. The Sub Divisional Magistrate, Lakhisarai.
3. The Circle Officer, Piparia, District Lakhisarai.
4. The Dy. Collector (Land Reforms), District Lakhisarai.
5. Rajaram Sharma, S/O Late Bino Singh, R/O Village + P.O. Walipur, P.S. Piparia, District Lakhisarai.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vikram Jeet, Adv.
For the State :

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-06-2017 Heard learned counsel appearing on behalf of the

petitioner and learned AC to AAG-9 appearing on behalf of

Respondent Nos. 1 to 4.

I.A. No.9428 of 2014 has been filed on behalf of

Bipin Singh to implead him as intervenor/respondent.

Since none is appearing on his behalf, this

interlocutory application is disposed of as not pressed, as against

him.

The present application has been filed to restrain

Respondent No.5 from encroaching a public land pertaining to

Khata No.1459, Khesra Nos.3888 and 4052, situated in Mauza –



Walipur in the District of Lakhisarai and further direction to get the encroachment removed. The land in question is being used by the villagers as a common thorough fare, but the same has been encroached by Respondent No.5, Rajaram Singh @ Rajaram Sharma by erecting wall upon the land in question.

Learned counsel for the petitioner submits that earlier the petitioner filed CWJC No.7014 of 2013, which was disposed of by a Co-ordinate Bench of this Court, vide order dated 04/04/2013, with a direction to the respondent authorities that if the petitioner moves before the State Authority under the Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act'), by filing appropriate application, the authority shall take the application to its logical conclusion by passing appropriate orders as they deem fit in accordance with law. In pursuance to the same, the petitioner filed a representation on 21/08/2013 before the District Magistrate, Lakhisarai, for removal of encroachment. Thereafter, the petitioner approached Respondent No.3, the Circle Officer, Piparia, by submitting an application dated 21/08/2012, as contained in Annexure-4, whereupon the Circle Officer directed the Anchal Amin to get the measurement of the land done and submit a report to that effect. In pursuance to the same, the Anchal Amin submitted his report on 23/07/2013 to the Circle Officer



stipulating therein that the encroachment has been made by Respondent No.5 and several other persons on the land in question. The report of Anchal Amin as contained in Annexure-5, but in spite of the report of the Anchal Amin, the encroachment has not been removed till date.

It is submitted by learned AC to AAG-9 that statement has been made in paragraph nos. 15 and 17 of the counter affidavit that Encroachment Case No.02/2012-13 has been initiated wherein vide order dated 15/11/2014, the encroachers have been directed to remove the encroachment within a period of 15 days, failing which the encroachment will be removed forcibly in accordance with law and the cost of removal of encroachment shall be recovered from the encroachers, but at present he does not have any instruction whether the final order dated 15/11/2014, passed in Encroachment Case No. 02/2012-13 has been implemented or not.

Having considered the rival submissions of learned counsels for the parties, since the writ application was filed on 24/12/2013, hence, this Court is not inclined to adjourn the matter any further. In view of the fact that encroachment proceeding has already been disposed of, this Court is not inclined to issue notice to the private respondents.



In view of the above discussions, the writ application is disposed of with a liberty to the petitioner to file appropriate application before Respondent No.3, the Circle Officer, Piparia, within a period of four weeks from the date of receipt/production of this order to get the order dated 15/11/2014, passed in Encroachment Case No. 02/2012-13, implemented, by resorting the provisions of the Act. If such application is filed, Respondent No.3 will pass appropriate order under the provisions of the Act after giving due opportunity of being heard to all the affected persons within a period of six weeks, if the said order has not been already executed/modified by any superior authority/Court.

(Dinesh Kumar Singh, J)

Ashwini/-

U			
---	--	--	--

