

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20757 of 2014

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Ashok Kumar Son of Late Shree Kant Singh, resident of Village-
Chiutahan, , P.S. - Ramgarhwa, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, East Champaran.
2. The Circle Officer, Ramgarhwa, , District- East Champaran.
3. The Sub - Divisional Officer, Raxaul , District - East Champaran.
4. The Officer-in- Charge, P.S. - Ramgarhwa, Distirct -East Champaran.
5. Fuldeo Singh son of Late Ram Singar Singh,
6. Jagat Narain Singh Son of Lal Prasad Singh,
7. Vijay Kumar Singh son of Late Surya Singh.
8. Rambachchan Singh son of Late Himachal singh,
9. Ashok Prasad son of Late Maya Sah,
10. Mohan Sah Son of Late Shivdani Sah,
11. Vishwanath Sah Son of Late Yoglal Sah,
12. Balram Singh Son of Lal Prasad Singh,

All are residents of Village- Ahiraulia Tola Chiutaha, P.O. -
Ramgarhwa, District- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate

For the Respondent/s : Mr. Manish Kumar, GP 8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2017

Heard learned counsel for the petitioner and

AC to GP 4 for the State

The present writ application has been filed for a direction to the respondents-authority to measure the public land appertaining to Khesra Nos. 2092, 2097, 368 and 371 situated at Mauza Ahiraulia, Tola Chiutaha, Anchal Ramgarhwa Block Ramgarhwa, District East Champaran, which is a public road and runs from Ahiraulia Tola Chiutaha to Ratanpur Birta Tola Ramgarhwa.

It is submitted by learned counsel for the petitioner



that the land in question is a public road which runs from Ahiraulia Tola Chiutaha to Ratanpur Birta Tola Ramgarhwa. It is further submitted that on 05.02.2014 a public petition was submitted before the respondent no. 3, Sub-Divisional Officer, East Champaran with prayer for removal of encroachment from the public road, but till date, neither any proceeding has been initiated nor has the encroachment been removed. The petitioner has supported his claim on the basis of survey map as contained in Annexure 2 which suggests that the land in question is a public road.

Learned counsel for the respondents submits that the respondents-authorities will initiate the encroachment proceeding and will take it to its logical conclusion within a period of five months.

The provisions under Section 3(1) of the Bihar Land Encroachment Act provides that encroachment proceeding can be initiated if it appears 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 continuance of any encroachment upon any public land. In the instant case the public petition was submitted to respondent no. 3 the Sub-Divisional Officer, East Champaran with a prayer to remove encroachment from the road in question. Hence the public authority failed to discharge statutory functions.



In the present writ application the respondent no. 3 was represented by the public as far back as in 2014, but nothing has been done till date.

In the circumstances, the petitioner is permitted to submit a detailed representation before the respondent no. 2, the Circle Officer, Ramgarhwa within a period of two weeks. The Circle Officer is expected to examine the issue and if he thinks that encroachment has been made on a public road then he will initiate an encroachment proceeding under Section 3(1) of the Bihar Public Land Encroachment Act immediately and will take it to its logical conclusion within a period of five months from the date of receipt/production of a copy of this order, after giving due opportunity of being heard to all the affected persons in accordance with provisions of Bihar Public Land Encroachment Act.

Accordingly, the writ application is disposed of.

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(Dinesh Kumar Singh, J)

Prakash/-

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