

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18376 of 2016

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Rajesh Kumar, S/o Sri Jeevan Sharan Singh, Resident of Village-Mahadeopur,
P.O.-Masaurhi, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Patna
2. The Principal Secretary, Department of Revenue & Land Reforms, Govt. of Bihar, Patna
3. The Divisional Commissioner, Patna
4. The District Magistrate, Patna
5. The Circle Officer, Sampatchak Circle, Patna
6. The Station House Officer, Parsa Bazar Police Station, District-Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prabhat Kishore

For the Respondent/s : Mr. SUBHASH CHANDRA YADAV- GP15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 29-08-2017

Heard Mr. Jai Prabhat Kishore, learned counsel
for the petitioner and learned AC to GP-15 for the respondents.

The present writ application has been filed for a direction to respondent no. 5, Circle Officer, Sampatchak Circle, Patna, to initiate a proceeding under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act') and get the encroachment removed from public road appertaining to Khata No. 201, Plot Nos. 401 and 402 situated at Mamtadham, Kharatali Road, Dariyapur, P.S. – Parsa Bazar, Sampatchak Block, Patna. The land is recorded in the revisional khatian as Canal and public road.



It is submitted by learned counsel for the petitioner that the land in question is recorded in the revenue record as Canal and the same has been encroached by several people. The petitioner submitted an application on 21.09.2015 to the respondent no. 5, Circle Officer, Sampatchak, as contained in Annexure-1, for getting the encroachment removed. When no action was taken, the petitioner submitted another application before respondent no. 5, District Magistrate, Patna on 09.10.2015, as contained in Annexure-3. The petitioner also submitted an application before the Station House Officer, Parsa Bazar Police Station on 09.10.2015, as contained in Annexure-4. The petitioner on 11.07.2016 again submitted an application before respondent no. 5, Circle Officer, Sampatchak, as contained in Annexure-5, but till date neither encroachment proceeding has been initiated nor the encroachment has been removed.

Learned AC to GP-15 submits that she has no instruction, at present, whether encroachment proceeding has been initiated or whether the encroachment has been removed or not.

This Writ application has been registered on 15.11.2016, hence this Court is not inclined to adjourn the matter any further.

Considering the rival submissions of the parties,



a proceeding under Section 3 of the Bihar Public Land Encroachment Act (hereinafter referred to as the 'Act') can be initiated, by the Collector under the Act, on an application made by any person or upon information received from any sources that any person has made or is responsible for continuation of any encroachment upon any public land. In the present case it appears that the petitioner has claimed that the land in question is a public land and the same has been recorded in the revisional survey khatian as canal and public road and it has been encroached upon by several persons. The encroachment was brought to the notice of respondent no. 5, Circle Officer, Sampatchak and application was submitted on 21.09.2015 with regard to the same, as contained in Annexure-1 and again on 11.07.2016 an application was submitted before him, as contained in Annexure-5. This Court finds that respondent no. 5, Circle Officer, Sampatchak failed to pass any order on the application of the petitioner.

In the circumstances, the petitioner is given liberty to submit application before respondent no. 5, Circle Officer, Sampatchak for redressal of his grievance within a period of three weeks from the date of receipt of a copy of this order. If it appears to respondent no. 5, Circle Officer, Sampatchak that the public land has been encroached upon then he will initiate a proceeding under the Act



and will take the same to its logical conclusion within a period of three months from the date of filing of such application by the petitioner, after giving due opportunity of hearing to all affected persons in accordance with the provisions of the Act.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.09.2017
Transmission Date	NA

