

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16659 of 2015

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1. Suresh Mahto, Son of Late Gyani Mahto, Resident of Village -Gahiri, Murarli Tola, Post Office-Victoria Mission, Gram Panchayat Gahiri, Anchal Nautan, Police Station-Nautan Sub Division Bettiah sadar, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate West Champaran of Bettiah.
3. The Sub-Division Officer, Sub Division Bettiah Sadar, West Champaran.
4. The Circle Officer, Circle Nautan, West Champaran.
5. The Officer -in - charge Police Station Nautan, West Champaran
6. Sheodhari Das, Son of Manger Das,
7. Baidhnath Das, Son of Manager Das,
8. Awadhesh Das, Son of Manager Das,
9. Subash Das, Son of Manager Das, All are the resident of village Gahiri Murli Tola, Post Office - Victoria Mission, Gram Panchayat Gahiri, Anchal Nautan, Police Station - Nautan Sub Division Bettiah Sadar, District - West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2017 Heard learned counsel for the petitioner and learned
A.C. to G.P.-8 for respondent nos. 1 to 5.

The nature of order this Court intends to pass, does
not require issuance of notice to private respondent nos.6 to 9.

The present writ application has been filed for a
direction to the respondent authorities to take a decision in respect
of the representation dated 31.10.2014 of the petitioner, whereby
the authorities were informed that respondent nos. 6 to 9 have



encroached the public land appertaining to Khata No. 396, Plot No. 3747, measuring an area of 1^{1/2} decimals situated under Gahiri Gram Panchayat of Nautan Circle within the territorial jurisdiction of the District West Champaran.

It is submitted by the learned counsel for the petitioner that the land in question is Gairmajarua Aam land which is being used by the local people and the flank of the road is being used by respondent no.6 to 9 due to which easement to the house of the petitioner has been blocked. The petitioner submitted an application, as contained in Annexure-1, before the Circle Officer, Nautan, respondent no.4 on 31.10.2014 for removal of encroachment. Thereafter, the petitioner submitted an application, as contained in Annexure-2, before the Sub-divisional Officer, Bettiah Sadar, respondent no.3, on 07.01.2015 when respondent no.3, vide Memo No. 19 dated 19.01.2015, as contained in Annexure-3, directed the Circle Officer, Nautan, respondent no.4 to take action for removal of the encroachment, but in spite of such direction, no action was taken for removal of encroachment. Subsequently, the petitioner submitted an application, as contained in Annexure-4, before the District Magistrate, West Champaran, respondent no.2, on 28.05.2015 for removal of the encroachment but the same has not been removed as yet.



Learned A.C. to G.P.-8 submits that at present he does not have any instruction whether any encroachment proceeding has been initiated or not and if initiated, then whether the same has been disposed of or not, or whether the encroachment has been removed or not.

Since the present writ application has been filed in the year 2015 and till date no counter affidavit has been filed, this Court is not inclined to adjourn the matter any further.

In view of the prayer made in the writ application, the present writ application is disposed of with a direction to the respondent no.4, Circle Officer, Nautan to dispose of the representation of the petitioner and if he arrives at a conclusion that the public land has been encroached upon, then he would initiate an appropriate proceeding under the appropriate provisions of Bihar Public Land Encroachment Act and take it to its logical conclusion within a period of four months from the date of initiation of such proceeding, after giving due opportunity of hearing to all affected persons.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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