

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18164 of 2015

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1. Panchanand Singh Son of late Balehswar Singh resident of Village- Kudar Bagha, P.s Garkha, District Saran.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector , Saran Chapra.
3. The Land Reforms Deputy Collector, Saran Chapra.
4. Anchal Adhikari ,Garakha, P.s Garkha, District Saran.
5. Nagendra Rai
6. Dhurendra Rai
7. Jitendra Rai
8. Satendra Rai 5 to 8 all are sons of Ram das Rai
9. Daharu Mian Son of late Ghinawan Mian
10. Roja Mian son of Moharam Mian resident of Village- Kudar Bagha, P.s Garkha, District Saran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kamala Kant Tiwary
For the Respondent : Mr. J.S. BARNWAL- GA5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT
Date: 22-03-2017

Heard learned Senior Counsel for the petitioner and
learned A.C. to G.A.-12.

The present writ application has been filed for a
direction to respondent authorities for removal of encroachment made
by respondent nos. 5 to 10 on a government land appertaining to Plot
No. 1020, 1022 and 1023 situated in the village- Kudarbagha, in Ward
No. 13 under Garkha Block in the District of Saran which is being
used as public road by the villagers (though, notices issued to the
respondents for removal of encroachment as contained in Annexure-4



suggest that encroachment has been made on Plot Nos. 1020, 1022 and 1023 being a government land whereas notices as contained in Annexure-7 reflect that Plot No. 1022 is a rayati land).

It is submitted by learned Senior Counsel for the petitioner that Plot Nos. 1020 and 1023 are public land and part of which is being used as village Panchayat road. The petitioner submitted an application to the Circle Officer, Garakha, respondent no.4 on 06.02.2014 with a prayer for removal of encroachment made by respondent nos. 5 to 10 over the public road. Consequently the Karmchari was deputed for local enquiry. The Karmchari, after conclusion of local enquiry, submitted his report on 13.12.2014 and recommended for measurement by Anchal Amin. Thereafter, the Circle Officer directed to give notice to the persons having adjacent boundary, to be present for measurement on 16.02.2015 and also directed the Anchal Amin for measurement of the land in question on 16.02.2015. The Anchal Amin, after conducting measurement of land in question on 16.02.2015, found encroachment on the part of the public road situated on Plot Nos. 1020 and 1023 which was being used as village road. Consequently, the Circle Officer, Garakha i.e., respondent no.4 initiated Encroachment Case No. 115 of 2014/15 and initially vide order dated 16.03.2015, notices were issued by the SDO to respondent nos. 5, 6 and 10, as contained in Annexure-4, and



thereafter vide Annexure-7.

It is submitted by the learned counsel for the petitioner that the purport of the notice suggests that the encroachment proceeding has been initiated by the respondent authorities but till date same has not been concluded nor any final order has been passed under Section 6 of the Bihar Public Land Encroachment Act. Hence it is submitted that direction may be issued to conclude the proceeding of Encroachment Case No. 115 of 2014/15.

Learned A.C. to G.A.-12 submits that he will instruct respondent no.4 to conclude the above mentioned proceeding, if it has already not been concluded till date.

Considering the rival submissions of the parties, the Circle Officer, Garakha i.e., respondent no.4 is expected to conclude above mentioned encroachment proceeding in accordance with the provisions of Bihar Public Land Encroachment Act, within a period of four weeks after giving due opportunity of being heard to all affected persons.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03/04/2017
Transmission Date	N/A

