

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21620 of 2014

=====

Ravindra Kumar Son of Balshwar Rai Resident of Old Post Office Chowk,
Ward No.8, P.S- Samastipur (Town), District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Circle Officer, Smastipur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. AC to SC-25

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 05-09-2017

None appears for the petitioner. However,

learned AC to SC-25 is present.

The present Writ application has been filed in 2014, but no counter affidavit has been filed. Hence, this Court is not inclined to adjourn the matter any further.

The present Writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the public land/road appertaining to Plot Nos. 20 and 23 situated in Mauza Kastripur Town, District – Samastipur.

Specific statement has been made in paragraph 4 of the Writ application that the land in question is



recorded as Kaisher-hind Road in Khatiyān which has been brought on record as Annexure-1 and 1/A. The public road has been encroached upon by several persons, concerning which petitioner represented before respondent no. 2, the District Magistrate, Samastipur on 23.02.2012, as contained in Annexure-2, and before respondent no. 3, the Circle Officer, Samastipur on 12.09.2014, as contained in Annexure-3, but neither any proceeding has been initiated under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act') nor encroachment has been removed from the land in question.

It is submitted by learned AC to SC-25 that, at present, he is not having any instruction whether any encroachment proceeding has been initiated or not.

For initiating a proceeding under the Act, Section 3 of the Act stipulates the procedure that 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 encroachment upon any public land, he shall initiate a proceeding under the Act.

No doubt in the present case, from perusal of Annexure-2 and 3, it appears that the District Magistrate and Circle Officer came to know about such encroachment on the



public land from the representations submitted by the petitioner, as contained in Annexure-2 and 3, but there is nothing on record to suggest that any proceeding has been initiated with regard to removal of such encroachment from the land in question.

In the circumstances, respondent no. 3, the Circle Officer, Samastipur is directed to examine the revenue records with regard to the land in question. If it appears to him that the public land/road has been encroached upon, then he will initiate a proceeding forthwith and will take it to its logical conclusion within a period of three months, after giving due opportunity of hearing to all the affected persons, in accordance with the provisions of the Act.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

U			
---	--	--	--

