

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15047 of 2017

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Ramashish Sharma, Son of Muneshwar Sharma, Resident of Village-
Udopathy, P.O.- Gorihari, P.S.- Bishanpur, Block- Hanuman Nagar, Sub-
Division- Darbhanga Sadar, Darbhanga, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Revenue and Land Reforms
Department, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Additional Collector, Darbhanga.
4. The Sub-Divisional Officer, Darbhanga Sadar Sub-Division, Darbhanga.
5. The Circle Officer, Hanuman Nagar Block, Sub-Division Darbhanga Sadar,
Darbhanga Bihar.
6. Mahaveer Sharma, Son of Late Ramjee Sharma, Resident of Village-
Udopathy, P.O.- Gorihari, P.S.- Bishanpur, Darbhanga, Bihar.
7. Vishwanath Chaudhary, Son of Turant Lal Chaudhary, Resident of Village-
Udopathy, P.O.- Gorihari, P.S.- Bishanpur, Darbhanga, Bihar.
8. Chunchun Chaudhary, Son of Ramkishor Chaudhary, Resident of Village-
Udopathy, P.O.- Gorihari, P.S.- Bishanpur, Darbhanga, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-12-2017 Heard Mr. Ram Kishore Singh, learned counsel for the

petitioner and Mr. Saurabh Kumar, learned AC to SC-19 for the

respondent-State.

In view of the nature of order this Court intends to pass,

this Court is neither inclined to adjourn the matter any further

for filing counter affidavit, nor inclined to issue notice to private

respondent nos. 6 to 8.

The present writ application has been filed for a direction

to the respondent authorities to take the encroachment



proceeding to its logical conclusion, which was initiated for removal of encroachment made on the land, appertaining to Khata No. 250, Plot No. 437, situated in Mauza Udopathy, Block Hanuman Nagar, District Darbhanga, which is a Gairmajarua Aam Land/Public road. For removal of the encroachment from the land in question, a representation was submitted before respondent no.5, the Circle Officer, Hanuman Nagar on 07.09.2015, as contained in Annexure-P/1, but since no action was taken, hence the petitioner moved before the Sub-Divisional Officer, Darbhanga Sadar, under Bihar Right to Public Grievance Redressal Act, 2015, wherein the Circle Officer was noticed, but he failed to appear. Therefore the Sub-Divisional Officer, Darbhanga, vide order dated 17.09.2016, as contained in Annexure-P/2, disposed of the proceeding directing respondent no.5, the Circle Officer, Hanuman Nagar for proceeding in the matter in accordance with law and assuring removal of encroachment after getting the land in question measured, but despite the order of the Sub-Divisional Officer, no action was taken by the Circle Officer, hence, the petitioner moved before the First Appellate Authority under the Act, i.e., ADM, Darbhanga, who also directed the Circle Officer, Hanuman Nagar to initiate encroachment proceeding and to



remove encroachment from the land in question, but even then no action has been taken.

Subsequently, the petitioner filed Second Appeal before the District Magistrate, Darbhanga, when the District Magistrate, Darbhanga directed respondent no.5, the Circle Officer, Hanuman Nagar to be present along with the compliance report of the order of the First Appellate Authority. Consequently, on 09.02.2017, respondent no.5, the Circle Officer, Hanuman Nagar appeared before the District Magistrate along with the report to the effect that land in question appertaining to Khata no. 250, Plot no. 321 (old), 437 (new) was measured by the Circle Amin. The measurement was made in presence of all affected parties and the encroachment proceeding has been initiated against eight persons. Consequently, the District Magistrate-cum-Second Appellate Authority directed respondent no.5, the Circle Officer, Hanuman Nagar to conclude the encroachment proceeding within two months in accordance with the provisions of the Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act'), but even then neither any action has been taken, nor appropriate encroachment proceeding has been initiated. Hence, the present writ application.

Learned AC to SC-19 submits that it appears from record



that encroachment proceeding has not been initiated, but he further submits that the same will be initiated and taken to its logical conclusion within a time frame.

The factual details given in the writ application suggest the callous manner in which respondent no.5, the Circle Officer, Hanuman Nagar is functioning.

In the circumstances, respondent no.5, the Circle Officer, Hanuman Nagar is expected to examine the Revenue Records and if need be, conduct spot verification, and if it appears to him that the land in question is a public land and the same has been encroached upon, then he shall initiate a proceeding under the Act forthwith, if the same has already not been initiated till date, and positively take such proceeding to its logical conclusion within a period of three months from its initiation, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Act.

With the above observations and directions, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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