

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17388 of 2017

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Sudarshan Raw @ Sudarshan Prasad, son of late Ramdhari Raw, Resident of
Village-Sansaraiya, P.S.-Bettiah Muffasil, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, West Champaran at Bettiah
3. The Sub-Divisional Officer Bettiah, West Champaran
4. The Circle Officer, Nautan Anchal, West Champaran
5. The Circle Inspector Nautan, West Champaran
6. Anchal Amin, Nautan, West Champaran
7. Chhatu Prasad, Son of late Jagdeo Prasad
8. Mohan Prasad, son of late Madan Prasad

Both Resident of Village-Sansaraiya, P.S.-Bettiah (Muffasil), District-
West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Aditya Nath Jha, Adv.
For the State	:	Mr. Akhilesh Kr. Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2017 Heard Mr. Aditya Nath Jha, learned Counsel appearing on
behalf of the petitioner and Mr. Akhilesh Kr. Sinha, learned AC
to SC-19 appearing on behalf of the respondent-State.

The present Writ application has been filed for a direction
to the respondent authorities to remove the encroachment from
the public road appertaining to Plot No.1056, situated in
Village-Sansaraiya, Circle-Nautan, District- West Champaran,
which has been encroached upon by private respondent nos. 7



and 8, namely, Chhatu Prasad and Mohan Prasad.

In view of the nature of order this Court intends to pass, this Court is neither inclined to adjourn the matter for filing of counter affidavit nor inclined to issue notice to private respondent nos. 7 and 8.

It is submitted by learned Counsel appearing on behalf of the petitioner that the land appertaining to Plot No. 1056 situated in Village-Sansaraiya, Circle-Nautan, District- West Champaran is used by the villagers and the petitioners, but the said road has been blocked by respondent nos. 7, 8 and others, which led to lodging of Nautan P.S. Case No. 25 of 2000 as well as proceeding under section 107 of the Cr. P. C.. During one such proceeding, the respondent no.4, the Circle Officer, Nautan after getting the land in question measured by the Anchal Amin, came to the conclusion that Plot No. 1056 is recorded in the revenue record as 'Aam Gairmajarua Rasta', but the same has been blocked, which gets reflected from the order dated 15.03.2001 issued by respondent no.4, the Circle Officer, Nautan, in Case Record No. 45/2000-2001, as contained in Annexure-2. Thereafter, the petitioner submitted several representations before the Circle Officer, Nautan, Sub-Divisional Officer, Bettiah and the District Collector, West



Champaran, but the encroachment from the land in question has not been removed as yet. Hence, the present Writ application.

Learned Counsel appearing on behalf of the respondent-State submits that at present he is not having any instruction to say whether the land in question is a public land/road or whether a proceeding has been initiated or not, but he submits that if encroachment has been made over the public road/land and the encroachment proceeding has not been initiated till date, the same will be initiated and concluded within a time frame.

Considering the rival submissions of the parties, the petitioner is permitted to file a representation before the respondent no.4, the Circle Officer, Nautan within a period of three weeks of receipt/production of a copy of this order when respondent no.4, the Circle Officer, Nautan, will examine the record and if need be, conduct spot verification, whereupon, if he finds that public road/land has been encroached upon then he will initiate a proceeding with regard to the land in question under the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), if it has not already been initiated and it is expected from him to take such proceeding to its logical conclusion within a period of three months, by giving due opportunity of hearing to all affected



persons including respondent nos. 7 and 8 under the Act.

The Writ application is, accordingly, disposed of with the observation aforesaid.

(Dinesh Kumar Singh, J)

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