

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11053 of 2018

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Tapeshwar Singh, Son of Late Yogendra Singh, Resident of Village- Dhakjari,
P.S.- Sonbarsa, Kachhari, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms Department, Bihar, Patna.
2. The Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Additional Collector (Public Grievance Redressal) District- Saharsa cum 1st Appellate Authority, Saharsa.
6. The Sub-Divisional Officer, Saharsa.
7. The Sub-Divisional Public Grievances Redressal Officer, Saharsa.
8. The Circle Officer, Kahara, District- Saharsa.
9. The Circle Inspector, Kahara, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha
For the Respondent/s : Mr. Raj Kishore Roy-Gp18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-06-2018 Heard learned counsels for the parties.

The present writ application has been filed for restraining the respondent authorities from taking any follow-up action in pursuance to the order dated 20.4.2018 passed by the Respondent No. 5, the Additional Collector (Public Grievances Redressal), District – Saharsa-cum- Ist Appellate Authority, Saharsa in Complaint No. 512118016121700068/1A under Public Grievances Redressal Act whereby the Amin was directed to remove the encroachment from the land appertaining to Khata No. 57,



Plot No. 1336 and Khata No. 58 Plot No.1337 which is recorded in C.S. Khatian as 'Gairmajarua Aam'. Further prayer has been made not to demolish the residential house of the petitioner.

It is submitted by learned counsel for the petitioner that the land in question is the ancestral land of the petitioner. On the complaint of one Ranjit Kumar and others, the Sub-Divisional Public Grievances Redressal Authority, vide order dated 11.1.2018, as contained in Annexure 2, directed the Respondent no. 8, Circle Officer, Kahara to submit a report and consequently, the Appellate Authority under Public Grievances Redressal Act directed for removing the encroachment. It is further submitted that a notice has been received by the petitioner under Section 3 of Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), whereby the petitioner was directed to appear on 27.5.2018 and to submit his defence as to why the encroachment should not be removed from the land appertaining to Khata No. 58, Plot No. 1337, situated in Mauza Dhakjari, P.S. Sonbarsha, District – Saharsa. The petitioner has already entered his appearance, as gets reflected from the application dated 26.05.2018, filed before



the Respondent no. 8, Circle Officer, Kahara, as contained in Annexure 5. The residential house of the petitioner is situated on the land in question, hence, the petitioner will suffer irreparable injury if the residential house is demolished from the said land. It is also submitted by learned counsel for the petitioner that the encroachment proceeding has not been concluded. Hence, the present writ application.

It is submitted by learned GP 18 that the petitioner is also an encroacher. However, if the encroachment proceeding has not been concluded till date, the same will be taken to its logical conclusion within a specified time frame.

Considering the rival submissions of the parties, since the encroachment proceeding is pending, this Court is not inclined to interfere into the matter. Let the Respondent no. 8, Circle Officer, Kahara take the Encroachment Case No. 22 of 2017-18 to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order in accordance with the provisions of the Act, after giving due notice and hearing to all affected persons including the petitioner.

It goes without saying, the status quo with regard to the residential house of the petitioner on the said land, as



existing today, shall be maintained till conclusion of the encroachment proceeding, if it has already not been concluded.

With the aforesaid observation/direction, this writ application is disposed of.

(Dinesh Kumar Singh, J)

N.H./Amrendra/-

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