

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12634 of 2018

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Sita Ram Thakur, Son of Late Ramotar Thakur, Resident of Village-Narayan
Pipar, P.O.-Pansalla, P.S.-Khodawandpur (O.P. Chhaurahi), District-
Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Bihar,
Patna
3. The District Magistrate, Begusarai.
4. The Sub-Divisional Magistrate, Manjhul, Begusarai.
5. The Circle Officer, Chhaurahi, Begusarai.
6. Janardan Malakar, Son of Late Tarni Malakar, Resident of Village-Narayan
Pipar, P.O.- Pansalla, P.S.-Khodawandpur (O.P. Chhaurahi), District-
Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Hussamuddin Azad
For the Respondent/s : Mr. Sajid Salim Khan – SC 25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 12-07-2018

Heard Mr. Arun Kumar, learned counsel for the
petitioner and Mr. Sajid Salim Khan, learned SC 25 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, nor
is inclined to issue notice to private Respondent No.6, Janardan
Malakar.

The present writ application has been filed for a
direction to the respondent authorities to get the unauthorized
encroachment removed from the public land/road, appertaining to



Thana No. 117, Khata No. 366, Plot NO. 558, situated at Mauza Narayan Pipar, Circle Chhaurahi, District Begusarai.

It is submitted by learned counsel for the petitioner that the land in question is recorded in the Khatiyani, which has been brought on record as Annexure-1, as 'Gairmajarua land' and the same is being used as public road, but the same has been encroached upon by private Respondent No.6, Janardan Malakar.

For removal of the encroachment from the land in question, an application was submitted by the petitioner before Respondent No. 4, the Sub-Divisional Magistrate, Manjhaul on 10.10.2012, as contained in Annexure-2, and in pursuance to the direction of Respondent No.4, the Sub-Divisional Magistrate, Manjhaul, Respondent No. 5, the Circle Officer, Chhaurahi initiated an encroachment proceeding, being Encroachment Case No. 01 of 2012-13, under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), but till date, neither the encroachment has been removed from the land in question nor the encroachment proceeding has been taken to its logical conclusion. Hence, the present writ application.

Mr. Sajid Salim Khan, learned SC 25 submits that since proper proceeding being Encroachment Case No. 01 of 2012-13 has already been initiated under the Act, hence, a direction may be



given to the respondent authority to conclude the said proceeding within a time frame. He further submits that the said proceeding has not been concluded till date since it appears from the pleading that the proceeding was transmitted to Sub-Divisional Magistrate by the Circle Officer, but it has again been remanded back by Respondent No.4, the Sub-Divisional Magistrate to the Circle Officer.

Considering the rival submissions of the parties, it is expected from Respondent No.5, the Circle Officer, Chhaurahi to take the proceeding of Encroachment Case No. 01 of 2012-13 to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order, after giving due opportunity of hearing to all affected persons including the petitioner and private Respondent No.6, in accordance with the provisions of the Act.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

