

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4651 of 2018

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Abhimanu Kumar Singh Alias Girdhari Singh, Son of Haribansh Singh,
Resident of Village- Dharam Pipra, Post Office Kokila, Police Station-
Jagdishpur, District- Bhojpur at Ara.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Bhojpur at Ara.
3. The Sub Divisional Officer, Jagdishpur, District- Bhojpur at Ara.
4. The Deputy Collector, Land Reforms, Jagdishpur, District- Bhojpur.
5. The Circle Officer, Jagdishpur, District- Bhojpur at Ara.
6. The Superintendent of Police, District Bhojpur at Ara.
7. The Officer-in-Charge of Jagdishpur Police Station, District- Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.
For the Respondent/s : Mr. Raj Kishore Roy, GP- 18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 27-07-2018

Heard Mrs. Sangha Mitra Ghosh, learned counsel for
the petitioner and Mr. Raj Kishore Roy, learned GP 18 for the
respondent-State.

The present writ application has been filed for a
direction to the respondent authorities, particularly, Respondent
No. 5, the Circle Officer, Jagdishpur, to get the encroachment
removed from the land, appertaining to Khata No. 98, Plot Nos.



88, 153, 244, 529, 663, 86, 152, 245, 79, 655 and 660, situated in Village Dharam Pipra, Police Station Jagdishpur, District Bhojpur at Ara.

It is submitted by learned counsel for the petitioner that a representation dated 15.09.2016 was transmitted by the petitioner to Respondent No.5, the Circle Officer, Jagdishpur through registered post, as contained in Annexure-1, for removal of the encroachment from the land in question, but since no action was taken by the Circle Officer, the petitioner submitted an application on 22.10.2016 before Public Grievance Redressal Authority, Jagdishpur, as contained in Annexure-2, thereafter the representation was submitted before Additional Collector-cum-First Appellate Authority, Ara wherein Respondent No.5, the Circle Officer, Jagdishpur appeared and submitted that for removal of the encroachment from the land in question, a proceeding, being Encroachment Case No. 09 of 2016-17 has already been initiated. The First Appellate Authority vide order dated 23.06.2017, directed Respondent No.5, the Circle Officer, Jagdishpur to conclude the proceeding of Encroachment Case No. 09 of 2016-17 within thirty days. Thereafter, the petitioner again submitted an application before the Public Grievance Redressal Authority, which was referred to Respondent No.02 the District Magistrate,



Ara, who, vide order dated 08.08.2017, as contained in Annexure-4, on the submission of Respondent No.5, the Circle Officer, Jagdishpur that date for removal of the encroachment from the land in question has been fixed as 21.08.2017 and Sub-Divisional Officer has been requested to provide police force for such removal, whereupon, the District Magistrate directed Respondent No.3, the Sub-Divisional Officer, Jagdishpur to provide police force, but in spite of the above directions, no action has been taken for removal of the encroachment from the land in question. Hence, the present writ application.

Mr. R.K. Roy, learned GP 18 submits that at present, he is not having any instruction, whether any final order in Encroachment Case No. 09 of 2016-17 has been passed or not but if the final order has been passed in Encroachment Case No. 09 of 2016-17 and the same has not been implemented, then the same will be implemented, if it has already not been challenged or stayed by the appellate authority.

Considering the fair stand of learned GP 18, it is expected from Respondent No.5, the Circle Officer, Jagdishpur to implement the final order passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in Encroachment Case No. 09 of 2016-17 within a period of eight weeks, if the same has not



been stayed by the appellate authority, but if no final order has been passed in the said proceeding till date, then pass final order in the said proceeding within a period of six weeks after giving due opportunity of hearing to all affected persons, including the petitioner, in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

