

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4838 of 2017

1. Bakhori Kewat, Son of Late Ramdev Kewat.
2. Sajan Kumar, Son of Chintaman Kewat
Both Resident of Village- Mominchak, P.S.- Harnaut, District-
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Reforms Department,
Govt. of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Collector, Nalanda at Bihar Sharif.
4. The Sub Divisional, Bihar Sharif, Nalanda.
5. The Circle Officer, Harnaut, Nalanda.
6. The Block Development Officer, Harnaut, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-01-2018 Heard Mr. Sanjay Prasad, learned counsel for the
petitioners and Mr. Sajid Salim Khan, SC-25 for the respondent-
nos. 1 to 6.

The present Writ application has been filed for a direction
to the respondent authorities for removal of encroachment from
a public pyne/canal/water channel, appertaining to Plot No. 118,
Thana No. 208, situated in Mauza-Dihari, Village-Birjumilki
(Chakhamind), P.S & Circle- Harnaut, District- Nalanda.

It is submitted by learned counsel for the petitioners that
the land in question is a water channel/pyne having width of 20
feet and the exit of the water canal goes through the adjacent



land appertaining to Plot No.201. The land in question is recorded in the R.S. Khatiyani as 'Gair Majarua Aam' and adjacent to the said land appertaining to Plot No. 201, Thana No.208, is used as the exit route of the water channel/pyne situated on Plot No. 118, but the same has been encroached upon by more than 50 people, thereby the encroachers have not only obstructed the flow of water channel, but has substantially obstructed its discharge, as a result, the crops of the area are being damaged. For removal of encroachment from the land in question, the petitioner transmitted a representation through registered post on 21.12.2016 to respondent no.5, the Circle Officer, Harnaut, as contained in Annexure-2, thereafter, a public petition dated 09.01.2017, as contained in Annexure-3, was also transmitted to the Circle Officer, Harnaut, through registered post. Thereafter, another public petition dated 24.01.2017, as contained in Annexure-4, was transmitted before the respondent no.4, the Sub-Divisional Officer, Biharsharif, Nalanda through registered post. On 14.02.2017, the petitioner transmitted public representation to respondent no.3, the District Magistrate, Nalanda at Biharsharif, through registered post, as contained in Annexure-5 for removal of encroachment from the land in question, but the encroachment has not been removed as



yet. Hence, the present Writ application.

It is submitted by Mr. Sajid Salim Khan, learned SC-25 appearing on behalf of the respondent-State that he has received instruction to the effect that on the part of Plot No. 118 there is water channel, but the land in question has been substantially encroached upon. Moreover, so far as Plot No. 201 is concerned, the same is 'Gair Majarua Aam' on which a road has been constructed. However, for removal of the encroachment from the public land, a proceeding under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act') being Encroachment Case No. 18 of 2017-18 has already been initiated and the same will be taken to its logical conclusion within a time frame.

Considering the rival submissions of the parties, since for redressal of the grievance of the petitioner a proceeding has already been initiated under the Act, this Court is not inclined to adjourn the matter.

Hence, the respondent no.5, the Circle Officer, Harnaut is directed to take the proceeding of Encroachment Case No. 18 of 2017-18 to its logical conclusion, within a period of three months, after giving due notice to all the affected persons in accordance with the provisions of the Act.



Accordingly, the Writ application is disposed of.

(Dinesh Kumar Singh, J)

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