

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10479 of 2016

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Madhurendra Kumar Singh, S/o- Sri Harikishore Singh, Resident of Village-
Madhopur Singahi, P.S.- Piprahi, District -Sheohar.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Sheohar at Sheohar
3. The Sub Divisional Officer, Sheohar at Sheohar.
4. The Rehabilitation Officer, Bagmati, Project, Sitamarhi.
5. The Circle Officer, Piprahi, District Sheohar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II
For the Respondent/s : Mr. J.P. KARAN- AAG4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 09-01-2018

Heard Mr. Rajeev Ranjan No.II, learned counsel for the
petitioner and Mr. Jitan Kumar, learned AC to AAG-14 for the
respondent-State.

Though, the present writ application was registered on
30.06.2016, but till date no counter affidavit has been filed. Hence,
this Court is not inclined to adjourn the matter any further for
filing counter affidavit, particularly in view of the nature of order
this Court intends to pass.

The present writ application has been filed for a direction to
the respondent authorities to get the encroachment removed from
the approach road of Village Madhopur Singahi, situated under
Piprahi Police Station, District Sheohar.



It is submitted by learned counsel for the petitioner that the petitioner is the resident of Village Madhopur Singahi. Earlier the persons, who had been displaced from area of Bagmati Locality due to flood, were rehabilitated in the village in question. There is only one approach road to such village. The width of said road was 12 feet, but due to encroachment made by several persons, width of the road in question has been reduced by 3 feet. For removal of encroachment from the land/road in question, the petitioner submitted representations before respondent no.2, the District Magistrate, Sheohar, respondent no.3, the Sub-Divisional Officer, Sheohar and respondent no.5, the Circle Officer, Piprahi on 19.12.2015 and 23.12.2015, respectively, as contained in Annexure-1(series), but till date neither any encroachment proceeding, under the Bihar Public Land Encroachment Act (hereinafter referred to the as 'the Act') has been initiated, nor the encroachment from the land/road in question, has been removed. Hence, the present writ application.

Learned AC to A.A.G.-14 submits that at present he is not having any instruction whether the land/road in question is a public road or not or whether any encroachment proceeding has been initiated or not or whether the encroachment from the land/road has been removed or not, but if the encroachment has



been made on public land/road, then a proceeding under the Act will be initiated and the same will be taken to its logical conclusion within a time frame.

Considering the rival submissions of the parties, this Court is of the view that the Act provides a total mechanism for removal of the encroachment from a public land. Section 3 of the Act provides that a proceeding can be initiated under the Act if it appears to the Collector under the Act from an application made by any person or upon information received from any sources that any person has made or is responsible for the continuance of any encroachment upon any public land.

In the present case, it appears from the representations submitted by the petitioner before the respondent authorities on 19.12.2015 and 23.12.2015, that at least in the year 2015, the respondent authorities, particularly respondent no.5, the Circle Officer, Piprahi came to know about the encroachment over the land/road in question, but there is nothing on record to suggest that any proceeding under the Act has been initiated or encroachment from the land/road in question has been removed till date.

In the circumstance, respondent no.5, the Circle Officer, Piprahi is directed to examine the Revenue Records and if need be, conduct spot verification and if it appears to him that the public



land/road has been encroached upon then he shall initiate a proceeding under the Act forthwith, if the same has already not been initiated, and shall take the said proceeding to its logical conclusion within a period of three months from its initiation, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Act.

Accordingly, with the above observations and directions, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.01.2018
Transmission Date	

