

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6198 of 2018

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Vishwa Nath Ray, Son of Late Dhari Ray, Resident of Village – Jagdishpur,
P.S. – Baikunthpur, District – Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms & Revenue, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Land Reforms and Revenue, Government of Bihar, Patna.
3. The Collector, Gopalganj.
4. The Circle Officer, Baikunthpur, District – Gopalganj.
5. Rajendra Prasad, Son of Sudhan Prasad
6. Bhageshwar Rai, Son of Bhoja Rai
Both are resident of Village – Jagdishpur, P.S. – Baikunthpur, District – Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate

For the Respondent/s : Mr. Raj Kishore Roy-GP18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 13-04-2018

Heard Mr. Rakesh Ranjan, learned counsel for

the petitioner and Mr. Raj Kishore Roy, learned GP-18.

Considering the nature of order this Court intends to pass, there is no need for issuance of notice to private respondent nos. 5 and 6 or to adjourn the matter any further.

Though, from the relief sought in paragraph 1 of the writ petition, it appears that the petitioner has prayed for directing respondent no. 4, Circle Officer, Baikunthpur to initiate a proceeding under Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the ‘Act’) for getting encroachment



removed from the public road situated on the land appertaining to Khata No. 114, Plot No. 365 situated in Mauza – Jagdishpur, P.S. Baikunthpur, District – Gopalganj. But from the pleadings of the writ application it appears that the encroachment proceeding was initiated in 2016 being Encroachment Case No. 10/2016-17 on the basis of report of the Revenue Karamchari dated 09.11.2016, as contained in Annexure-1. However, on the basis of complaint made before the Sub-divisional Public Grievance Redressal Officer vide order dated 18.02.2017, as contained in Annexure-3, the Circle Officer, Baikunthpur was directed to conclude the proceeding of Encroachment Case No. 10/2016-17 within a period of two months. Though, the notices have been issued in the said proceeding but till date the encroachment has not been removed from the land in question.

It is submitted by Mr. Raj Kishore Roy, learned GP-18 that, at present, he is not having any instruction whether the proceeding of Encroachment Case No.10/2016-17 has been concluded or not but if the proceeding of Encroachment Case No. 10/2016-17 has not been concluded, the same will be concluded within a time frame.

Though the prayer has been made to initiate the proceeding for removal of the encroachment from the public



road but since the pleading suggests that the encroachment proceeding has already been initiated and notices have been issued, it is expected from respondent no. 4, Circle Officer, Baikunthpur to conclude the proceeding of Encroachment Case No. 10 of 2016-17, if it has not been concluded, after giving due opportunity of hearing to all affected persons including respondent nos. 5 and 6 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.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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