

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5941 of 2018

Arvind Kumar Singh, Son of Late Ram Gopal Singh, Resident of Village-
Bishrampur, P.O.- Unwas, P.S.- Itadhi, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary of Land Reform Department Bihar, Patna.
3. The Commissioner, Patna.
4. The District Collector, District Buxar.
5. The Sub Divisional Officer, Dumraon.
6. The Circle Officer Block- Nawanagar.
7. Ram Bachan Singh, Son of Late Gulab Singh,
8. Arun Kumar,
9. Ashok Kumar,
10. Anil Kumar,

Respondent Nos. 8 to 10 are son of Ram Bachan Sing, All residence of
Village- Etawnha, P.O.- Sonvarsha, P.S.- Nawanagar, Dist- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.
For the Respondent/s : Ms. Sanghmitra Ghosh, AC to GP-15

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 02-08-2018

Heard learned Counsels for the petitioner and the
respondent-State.

The present writ application has been filed for a
direction to the respondent authorities, to get the encroachment
removed from public road , appertaining to Plot No. 418, Khata
No. 94, situated at Village – Etawnha, District-Buxar.

It is submitted by learned counsel for the petitioner
that the Respondent No. 6, the Circle Officer, Nawanagar was
informed about the encroachment being made over the land in
question as far back as on 16.12.2009. Subsequently, a notice



was issued to the encroachers with a direction to remove the encroachment from the land in question, by 28.02.2013, failing which the encroachment will be removed by deployment of armed force and the cost of such removal will be realized from the encroachers, as gets reflected from Annexure-1, but till date, neither any action has been taken to get the encroachment removed from the land in question, nor any proper proceeding has been initiated under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'). Hence, the present writ application.

It is submitted by learned AC to GP 15 that, at present, she is not having any instruction whether the land in question is a public land/road or not, but if it is a public land/road and the same has been encroached upon, then a proper proceeding under the provisions of the Act will be initiated forthwith, if it has not been initiated and the same will be taken to its logical conclusion within a time frame.

From the pleadings in the writ application, it appears that no proper representation was submitted before the Respondent No. 6, the Circle Officer, Nawanagar for getting the encroachment removed from the public road/land in question.

In the circumstances, the petitioner is permitted to



submit a representation, giving the details of the public road/land in question from where the encroachment is sought to be removed, within a period of three weeks from the date of receipt/ production of a copy of this order, whereupon, the Respondent No. 6, the Circle Officer, Nawanagar is expected to examine the revenue records and if need be, to conduct spot verification, whereupon, if it appears to him that public road/land has been encroached upon, then he will initiate a proceeding forthwith with regard to the land in question in accordance with the provisions of Act, if it has not already been initiated and will take such proceeding to its logical conclusion within a period of three months, by giving due opportunity of hearing to all affected persons, including Respondent Nos.7 to 10 and the petitioner, in accordance with the provisions of the Act.

The Writ application is, accordingly, disposed of with the observation and direction mentioned above.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

