

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4123 of 2018

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Birendra Prasad Yadav, Son of Bhulan Rai, Resident of Lachhmipur Tola
Banharba, P.O.- Bishunpurba+ P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms & Revenue Department, Bihar, Patna.
2. The District Magistrate at East Champaran.
3. Sub- Divisional Magistrate Raxaul, District East Champaran.
4. Deputy Collector, Land Revenue (DCLR) Raxaul, District East Champaran.
5. Circle Officer, Adapur, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Diwakar Prasad Singh
For the Respondent/s	:	Mr. Subhash Chandra Yadav GP-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 18-07-2018

Heard Mr. Diwakar Prasad Singh, learned counsel for
the petitioner and Mrs. Sangh Mitra Ghosh, learned AC to GP 15
for the respondent-State.

In view of the nature of order, this Court intends to pass,
this Court is not inclined to adjourn the matter any further.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment
removed from the land, appertaining to Khata No.3, Plot Nos.
1449, 1042, 1039, 1193, 2372, 1012, which is recorded in the
Revenue Record as 'Malik Gairmajarua Land', and from the land,
appertaining to Khata No.4, Plot Nos. 1049, 1137, 1216 and 1080,
which is recorded in the Revenue Record as 'Gairmajarua Aam



Land', situated at Village Lachhmipur, P.S.- Adapur, District East Champaran, by initiating a proceeding under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act').

It is submitted by learned counsel for the petitioner that though a proceeding, vide Encroachment Case No. 08 of 2015-16 has been initiated, wherein notices were issued to the encroachers on 27.02.2017, but the said proceeding has not been taken to its logical conclusion nor the encroachment has been removed from the land in question till date, however, specific statement to that effect has not been made in the petition. Hence, the present writ application.

Learned AC to GP 15 submits that at present, she is not having any instruction, particularly with regard to conclusion of proceeding of Encroachment Case No. 08 of 2015-16, but if the said proceeding has not been taken to its logical conclusion till date, the same will be concluded within a time frame after giving due opportunity of hearing to all affected persons in accordance with the provisions of the Act.

From the pleadings made in the writ application, it does not appear that proceeding of Encroachment Case No. 08 of 2015-



16 has been initiated with regard to the encroachment made over the land in question.

In the circumstances, if the said proceeding is pending and it has been initiated with regard to the land in question, it is expected from Respondent No. 5, the Circle Officer, Adapur to take such proceeding to its logical conclusion within a period of three months, after giving due opportunity of hearing to all affected persons including the petitioner, in accordance with the provisions of the Act, but if the said proceeding does not relate with the land in question, then it is expected from Respondent No.5, the Circle Officer, Adapur to initiate a fresh proceeding with regard to the land in question forthwith and take such proceeding to its logical conclusion within a period of three months from its initiation, after giving due opportunity of hearing to all affected persons including the petitioner, in accordance with the provisions of the Act.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

