

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14154 of 2017

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Rakesh Ranjan, son of Sri Haribansh Singh, Resident of Village- Rabaich,
Police Station- Bakhtiarpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms.
2. The Principal Secretary, Department of Revenue and Land Reforms, New Secretariat, Patna.
3. The Collector, Patna.
4. The Deputy Collector, Barh.
5. The Sub-Divisional Officer, Barh.
6. The Circle Officer, Bakhtiarpur.
7. The Officer-in-charge, Bakhtiarpur Police Station.
8. Randhir Singh, Son of Late Ramanand Singh, Resident of Village- Rabaich, P.S.- Bakhtiarpur, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
Mr. Shailendra Kumar Jha, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha -SC19
Mr. Akhilesh Kumar Sinha, AC to SC19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 02-04-2018

I.A. No. 7931 of 2017 has been filed with the

same prayer as has been prayed in the main writ application, but certain additional facts have been brought on record.

Learned counsel for the petitioner submits that instead of filing supplementary affidavit he has filed Interlocutory Application. Hence, he is not pressing the present I.A. Accordingly, I.A. No. 7931 of 2017 stands disposed of.

Heard Mr. Shailendra Kumar Jha, learned



counsel for the petitioner and learned AC to SC-19.

The present Writ application has been filed for a direction to the respondent authority to get the encroachment removed, which has been made by respondent no. 8 on the land of the petitioner appertaining to Khata No. 230, Plot No. 821 situated in Mauza – Bakhtiyarpur.

It is submitted by learned counsel for the petitioner that the land is raiyati land of the petitioner and respondent no. 8 has encroached upon the same by putting a iron gumti (shop) on the land. For removal of the same the petitioner submitted application before Sub-divisional Officer, Barh, Patna on 30.01.2017, as contained in Annexure-1, but no action has been taken. However, Sub-divisional Public Grievance Redressal Authority –cum- Sub-divisional Officer, Barh vide order dated 15.04.2017 passed in Case No. 52851-01422 directed Station House Officer, Bakhtiyarpur to get the land measured in coordination with Circle Officer, Bakhtiyarpur and if it is found that the public land has been encroached upon then the encroachment should be removed by initiating a proceeding, but in spite of same no action has been taken.

Learned counsel for the petitioner submits that the petitioner claims the land as raiyati land and hence, no



direction can be issued in the present proceeding.

Considering the rival submissions of the parties, there is no doubt that the proceeding under Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act') can be initiated if there is encroachment on a public land. The petitioner claims the land in question as his raiyati land. This Court under the present proceeding cannot decide the title. Hence, this Court is not inclined to issue notice to respondent no. 8. However, it is expected from the Circle Officer, Bakhtiyarpur, respondent no. 6 to get the land measured done as directed by the Sub-divisional Public Grievance Redressal Authority vide order dated 15.04.2017 of the land in question and if it appears to him that encroachment has been made on a public land then he will initiate a proceeding under the Act and take the same to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order after giving due opportunity to all affected persons including respondent no. 8, but in case the encroachment has been made on the raiyati land of the petitioner then the petitioner will be at liberty to submit an application before the Sub-divisional Officer, Barh, respondent no. 5 and the Officer-in-charge, Bakhtiyarpur, respondent no. 7, giving details the land in question and whereupon, the respondent



nos. 5 and 7 will dispose of the said application with a reasoned order.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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