

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19271 of 2017**

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Bhupendra Kumar Choudhary, Son of Ram Pravesh Choudhary, Resident of  
Village- Bensagar, P.S.- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land and Revenue Reform Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The Sub Divisional Officer, Bikramganj, District- Rohtas.
4. The Anchaladhikari Dinara District- Rohtas.
5. Paras Sharma, Son of Late Baul Sharma.
6. Yogendra Sharma,
7. Shambhu Sharma,
8. Shalesh Sharma, all three 6-8 are sons of Paras Sharma, All are resident of Village- Bensagar, P.S.- Dinara, District- Rohtas.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Arabind Nath Pandey  
For the Respondent/s : Mr. Rakesh Ranjan, AC to AAG 12

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      13-03-2018      Heard learned counsels for the parties.

Since this writ application has been filed on 22.12.2017 but no counter affidavit has been filed and in view of the nature of order this Court intends to pass, this Court is neither inclined to adjourn the matter any further nor to issue notice to respondent nos. 5 to 8.

This writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the land appertaining to Khata No. 144, Plot Nos. 982 and 175, situated in Mauza Bensagar, P.S. - Dinara, District – Rohtas.

It is submitted by learned counsel for the petitioner that the



land in question is recorded in the revenue records as Bihar Sarkar Nahar Chat (Aahar) and the same is situated in front of the raiyati land of the petitioner. The land in question is being used by the public at large including the petitioner, but the private respondent nos. 5 to 8, after filling the water channel started constructing their houses. Subsequently, on 1.9.2015 the petitioner submitted an application before the respondent no. 4, Circle Officer, Dinara with a request for getting the encroachment removed whereupon the respondent no.4, Circle Officer, Dinara called for a report from the Anchal Amin and notices were issued but no action was taken. Ultimately, the petitioner, submitted a complaint before the Sub-Divisional Public Grievance Redressal Cell, Bikramganj, Rohtas who vide order dated 10.11.2016 directed the respondent no.4, Circle Officer, Dinara to conclude the encroachment proceeding. Though the petitioner came to know that Encroachment Case No. 3 of 2015-16 has been initiated but there is nothing on record to show that any action has been taken in pursuance to the initiation of encroachment proceeding with regard to the land in question. Subsequently, an application was submitted on 1.8.2017 before the respondent no. 2, District Magistrate, Rohtas, as contained in Annexure 3 but still no action was taken.



It is submitted by learned counsel for the respondents State that he is not having any instruction at present. However, if Encroachment Case No. 3 of 2015-16 has already been initiated, the same will be taken to its logical conclusion within a time frame.

Having heard learned counsels for the parties, this Court is of the view that Section 3 of Bihar Public Land Encroachment Act (hereinafter referred to as the Act) mandates for initiating a proceeding under the Act, when it appears to the Collector under the Act from an application made by any person or upon an information received from any source that any person has made or is responsible for the continuation of encroachment upon any public land.

No doubt, in the present case, repeated applications were submitted before the respondent no. 4, Circle Officer, Rohtas and the respondent no. 2 District Magistrate, Rohtas but no action has been taken. However, it appears from the order of the Sub Divisional Public Grievance Redressal Officer, Bikramganj that an encroachment proceeding was initiated. Learned counsel for the petitioner submits that Encroachment Case No. 3 of 2015-16 is still pending.

In the circumstances, it is imperative on the part of



the respondent no. 4, the Circle Officer, Dinara to examine the issue and dispose of the Encroachment Case No. 3 of 2015-16 if already not disposed of, within three weeks of the receipt/production of a copy of this order after giving due opportunity of hearing to all affected persons including respondent nos. 5 to 8 in accordance with the provisions of the Act.

This writ application is, accordingly, disposed of.

**(Dinesh Kumar Singh, J)**

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