

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14257 of 2018

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Ram Lal Chaudhary, Son of Late Uttam Chaudhary, Resident of Village-
Ranipur, P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Siwan.
4. The Land Reforms Deputy Collector, Siwan.
5. The Sub-Divisional Officer, Siwan.
6. The Circle Officer, Barharia, Siwan.
7. The Revenue Karamchari, Barharia, Siwan.
8. The Circle Amin, Barharia, Siwan.
9. Raja Ram Yadav,
10. Malbabu Yadav.
11. Ramchandra Yadav.

All Sons of Late Ram Sagar Yadav, Resident of Village- Ranipur, P.S.-
Barharia, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.
For the Respondent/s : Mr. Apurva Kumar, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 30-07-2018

Heard learned counsel 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 the public land appertaining to Thana No.449,
Khata No.302, Plot No.403, situated in Village - Ranipur,
District Siwan and an alternate prayer has been made to get the
proceeding of Encroachment Case No.06 of 2017-18 concluded,



pending before Respondent No.6, the Circle Officer, Barharia.

Since the Writ application has been registered on 21.07.2018, but no counter affidavit has been filed till date and in view of the nature of order this Court intends to pass, this Court is neither inclined to adjourn the matter nor inclined to issue notice to Private Respondent Nos. 9 to 11.

It is submitted by learned counsel for the petitioner that the land in question is recorded in Khatiyan as 'Gairmazarua Malik Parti Kadam, which is used by the villagers at large, but the same has been encroached upon by Respondent Nos. 9 to 11 and others, as a result of which the egress and ingress of the villagers at large has been obstructed. For removal of encroachment from the land in question, the petitioner submitted representation before the Respondent No.6, the Circle Officer, Barharia, on 18.10.2017, as contained in Annexure-1, whereupon, the Circle Officer directed the Circle Karmchari to conduct an enquiry and submit a report to that effect. In pursuance to the direction of the Circle Officer, the Revenue Karmchari submitted a report on 01.11.2017, as contained in Annexure-2, to the effect that the land in question is a 'Gairmazarua Malik Parti Kadam' land and the same has been encroached upon. The Circle Amin also after having measured



the land in question found encroachment over the land in question, which gets reflected from the undated report, as contained in Annexure-3. Subsequently, Encroachment Case No.06 of 2017-18 has been initiated on 21.12.2017, whereupon, only notices have been issued to the encroachers, but no action has been taken either to remove the encroachment on the said land or to conclude the Encroachment Case No.06 of 2017-18. Hence, the petitioner submitted representation before the Respondent No.3, the District Magistrate, Siwan. But till date, neither the encroachment has been removed from the land in question, nor the encroachment proceeding has been taken to its logical conclusion.

It is submitted by learned AC to GA-4 that, at present, he is not having any instruction whether Encroachment Case No.06 of 2017-18, has been concluded or not, or whether the encroachment has been removed or not.

In view of the fact that encroachment proceeding has already been initiated with regard to the land in question, it is expected from Respondent No.6, the Circle Officer, Barharia, to take the proceeding of Encroachment Case No.06 of 2017-18 to its logical conclusion, within a period of two months, provided that it has not been concluded, after giving due opportunity of



hearing to all the affected persons, including Private Respondent
Nos. 9 to 11 and the petitioner, in accordance with the provision
of the Bihar Public Land Encroachment Act, 1956

The writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

