

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.8024 of 2014**

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Satyadeo Singh, S/o Late Laxmi Narayan Singh, R/o village - Naraon, P.S.  
Awatarnagar, District- Saran at Chapra.

.... .... Petitioner/s

Versus

1. The State of Bihar through Commissioner, Saran Division.
2. The District Magistrate, Saran at Chapra.
3. The Circle Officer, Garkha, Saran at Chapra.
4. Sub-Divisional Officer, Sadar, Chapra.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Aditya Narayan Singh, Adv.  
Mr. Dewendra Narayan Singh, Adv.  
For the Respondent/s : Mr. Kamlesh Kumar, AC to SC-12

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 03-01-2018**

Leave is granted to the counsel for the petitioner to add the Sub-Divisional Officer, Sadar, Chapra as respondent no.4 to the present proceedings during the course of the day in the Court pleadings as well as in the pleadings of the State.

Heard Mr. Aditya Narayan Singh, learned counsel appearing for the petitioner and Mr. Kamlesh Kumar, learned Assisting Counsel to Standing Counsel No.12 for the State.

This writ petition was filed praying for issuance of a writ in the nature of mandamus commanding the respondents to remove the encroachment from a land bearing Plot no.4333 in Village Naraon under Police Station- Awatarnagar, Block- Garkha in the district of Saran which, according to the petitioner, is in the nature of a public



land and over which a public road exists.

A counter affidavit and a supplementary counter affidavit has been filed on behalf of the State and paragraphs 5 to 11 of the supplementary counter affidavit confirm that taking note of the grievance raised herein that a proceeding was initiated by the Circle Officer, Garkha after getting the land measured and whereafter notice was issued under section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') fixing the date of hearing on 21.8.2017. It is mentioned that the alleged encroachers were directed to participate in the hearing and on their failure to participate on the date fixed that an order was passed, a copy of which is placed on record vide Annexure 'B' to the supplementary counter affidavit. It is further mentioned that although notice was issued to the encroachers to remove the encroachment but they failed to do so and whereupon a request has been made to the Sub-Divisional Officer, Sadar for providing police support for removal of the encroachment.

Having heard learned counsel for the parties and considering that steps have been taken by the Circle Officer, Garkha as the Collector under 'the Act' for removal of the encroachment complained herein, for the present, I deem it proper to dispose of the writ petition with a direction to the Circle Officer, Garkha to take the



proceeding so initiated under ‘the Act’ to its logical conclusion in accordance with law within a period of six months from the date of receipt/production of a copy of this judgment.

It goes without saying that any request made by the Circle Officer, Garkha before the Sub-Divisional Officer, Sadar, Chapra for providing administrative/police support would be considered and responded to positively.

The writ petition is disposed of accordingly.

**(Jyoti Saran, J)**

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