

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4836 of 2017

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Rajendra Pandey Son of Chitrakut Pandey, Resident of Ward No. 14, Lauriya West, Village+ P.O.+ P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through Collector Bettiah, West Champaran.
2. The Sub-Divisional Officer, Narkatiyaganj, West Champaran.
3. The Deputy Collector, Land Reforms, Narkatiyaganj, West Champaran.
4. The Anchala Adhikari, Lauriya, District West Champaran.
5. The Officer Incharge, Lauriya, Police Station, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratan Kumar Sinha
For the Respondent/s	:	Mr. RISHI RAJ SINHA- SC19
		Mr. Saurabh Kumar, AC to GP 19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2018 Heard learned counsels for the parties.

This writ application has been filed for a direction to the respondent authorities not to disturb/demolish the residential house of the petitioner, situated over the land appertaining to Thana No. 432, Khata No. 4, Plot No. 915, measuring an area of 19 dhurs. Further prayer has been made for quashing of the notices dated 20.2.2017 and 3.2.2017 issued by the respondent no. 4, Circle Officer, Lauriya in Encroachment Case No. 2 of 2016, as contained in Annexure 4 series, whereby the petitioner was directed to remove encroachment from land appertaining to Plot No. 914 admeasuring 1 decimal, by 17.3.2017 and 20.2.2017, respectively.



It is submitted by learned counsel for the petitioner that the petitioner got Parcha with regard to the part of land of Plot No. 915 through Case No. 1 of 1980-81 and part of land of Plot No. 914 through exchange. The petitioner claims that he was not noticed in Encroachment Case No. 8 of 2016 and for the first time, he received notices, as contained in Annexure 4 series under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act'). He was also not noticed when measurement of the land in question was conducted, but the notice contained in Annexure 4 series stipulates that after due measurement and final order under Section 6(1) of the Act, the said notice was issued to the petitioner. It is further submitted that the residential house of the petitioner is situated on Plot No. 915 whereas Plot No. 914 is the subject matter of encroachment proceeding. Since the petitioner is apprehending demolition of his residential house, hence the present writ application.

A.C. to G.P. 19 submits that at present he is not having any instruction whether the petitioner was noticed in Encroachment Case no. 8 of 2016 or not, or whether the measurement of the land in question was done in presence of the petitioner or not.



This Court is not inclined to adjourn the matter any further, since the writ application was registered on 30.3.2017 but no counter affidavit has been filed as yet.

Since the notice, as contained in Annexure 4 series, has lost its force, as the petitioner was directed to remove the encroachment by 20.2.2017 itself, hence this Court is not inclined to quash the said notice. However, respondent no. 4, the Circle Officer, Lauriya is directed to conduct re-measurement of the land appertaining to Plot Nos. 914 and 915, if the petitioner has not been noticed in the earlier measurement proceeding or in the Encroachment Case No. 8 of 2016, if an application to that effect is being filed by the petitioner within a period of three weeks. The whole exercise is expected to be completed within a period of three weeks of submission of the application by the petitioner. On conclusion of measurement, if it appears to the Circle Officer that the petitioner has encroached upon Plot No. 914, then the respondent no. 4, the Circle Officer, Lauriya will be free to proceed in Encroachment Case No. 8 of 2016 in accordance with the provisions of the Act.

Till then, status quo, as existing today, with regard to Plot No. 915 on which the house of the petitioner is situated,



shall be maintained.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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