

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5715 of 2018

=====

Rajendra Pandit S/o Lakhan Pandit, R/o vill Kamal Pipra P.S. Paharpur Dist
E. Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, East Champaran at Motihari.
3. The S.D.M. Motihari, East Champaran.
4. The Circle Officer Sugauli Block at Paharpur E. Champaran.
5. The S.D.M. at Areraj East Champaran.
6. Sinhasan Pandit, S/o late Basudeo Pandit, R/o Kamal Pipra P.S.
Paharpur Distt. E. Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner : Mr. Dhananjay Kumar No 2, Advocate
For the State Respondents : Mr. Rishi Raj Sinha-SC19
For Respondent No. 6 : Mr. Rajesh Ranjan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 13-08-2018

Learned counsel for the petitioner is permitted
to make necessary correction in the petition.

Heard Mr. Dhananjay Kumar No. 2, learned
counsel for the petitioner, Mr. Rishi Raj Sinha, learned SC-19 and
Mr. Rajesh Ranjan, learned counsel for private Respondent no. 6.

The petitioner has filed the writ application for
a direction to the respondent authorities not to remove the
petitioner from the land in question without initiating any
proceeding. The paragraph no. 1 of the writ application stipulates
the relief prayed for, which does not stipulate description of the



land in question. Paragraph No. 1 reads as follows:-

“1. That the petitioner seeks indulgence of this Hon’ble Court for the following relief;-

(A) For issuance of a writ in the nature of Mandamus or any other appropriate writ/writs, order/ orders, direction/ directions to direct to respondents not remove the petitioner without legal proceeding against him on name of encroacher and encroached public land.

(B) For issuance of a writ in nature of Mandamus or any other appropriate writ/writs, order/ orders, direction/ directions to respondents for compliance of the order date 08.12.2017 passed by respondent no. 5 [contain annexure 1]

(C) For any other relief/reliefs to which the petitioner is found entitled.”

It is submitted by learned counsel for private Respondent no. 6 that the land appertaining to Khata No. 9, Plot No. 701 is recorded in the records of rights as Gairmajarua Aam land and some proceeding has already been initiated under Bihar



Public Land Encroachment Act, 1956, but he is not aware about case number of the encroachment proceeding. Hence, a direction may be issue to conclude the said proceeding.

It is submitted by learned counsel for the petitioner that the land in question has been encroached upon by Respondent no. 6 also but the proceeding has not been initiated against him.

Mr. Rishi Raj Sinha, learned SC-19 submits that from the order of Sub-divisional Public Grievance Redressal Officer dated 31.10.2017 passed in Complaint Case No. 502410112081700373, it appears that the Circle Officer, Paharpur has been directed to conclude the proceeding within two weeks.

Having heard the learned counsels for the parties, though the pleadings of the writ application is very vague, but it appears that the issue involves land encroachment on the land appertaining to Khata No. 9, Plot No. 701, Mauza – Kamal Pipra, District – East Champaran. It appears from the report of the Karamchari annexed as Annexure-1 submitted to the Circle Officer, Paharpur dated 11.09.2017 to the effect that the land in question is recorded in the revenue khatian as Gairmajarua Aam land but the same has been encroached upon.

In the circumstances, it is expected from



Respondent No. 4, Circle Officer, Paharpur to examine the revenue records, if need be conduct spot verification and if it appears to him that the public road has been encroached upon, then he will initiate a proceeding under the provisions of Bihar Public Land Encroachment Act, 1956 forthwith, if it has already not been initiated, and will take such proceeding to its logical conclusion in accordance with the provisions of the Act within a period of four months from the date of receipt/production of a copy of this order, after giving due notice to all affected persons including private Respondent no. 6 and the Petitioner.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

U			
---	--	--	--

