

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2573 of 2018

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Hridaya Nand Singh, Son of Late Raja Ram Singh, Resident of Village-Tarari,
Police Station -Tarari, District-Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar Through the District Magistrate, Bhojpur. at Ara.
2. The District Magistrate, Bhojpur at Ara.
3. The Circle Officer, Tarari Block, Police Station-Tarari, District-Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh
For the Respondent/s : Mr. SAJID SALIM KHAN-SC25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 13-02-2018

Heard Mr. Arun Kumar Singh, learned counsel for the
petitioner and Mr. Sajid Salim Khan, learned SC-25 for 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/road, appertaining to Thana No. 159, Khata No.
412, Plot No. 2330 and 2462, situated in Mauza Tarai, District
Bhojpur.

Learned counsel for the petitioner submits that the land in
question is a public land which is used as public road as well as
Yatri shades. For removal of the encroachment from the land in
question, the petitioner being the Chaukidar, submitted an
application on 11.12.2017 before respondent no.3, the Circle



Officer, Tarari, as contained in Annexure-1. The petitioner again submitted representation on 23.12.2017 before respondent no.3, the Circle Officer, Tarari, and before respondent no.2, the District Magistrate, Bhojpur at Ara, which was sent through registered post on 28.12.2017, as contained in Annexure-2 and 3, respectively, but till date, neither any proceeding under the Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act') has been initiated nor the encroachment has been removed. Hence, the present writ application.

Learned SC-25 submits since the applications were submitted before respondent no.3, the Circle Officer, Tarari, hence, it is imperative on his part to examine the Revenue Record and if it appears to him that the land in question is a public land and the same has been encroached upon, then respondent no.3, the Circle Officer, Tarari, being a Collector under the Act, is authorized to initiate the proceeding under the Act, if it has already not been initiated.

Considering the rival submissions of the parties, respondent no.3, the Circle Officer, Tarari is directed to examine the Revenue Record and if need be to conduct spot verification and if he finds that the land in question is a public land and the same has been encroached upon, then he shall initiate a proceeding under the Act



forthwith, if it has already not been initiated, and will take such proceeding to its logical conclusion, within a period of four months from its initiation, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Act.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.02.2018
Transmission Date	

