

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2615 of 2018

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Ram Bali Chaudhary, Son of Late Anuplal Chaudhary, Resident of Village-
Etbarpur, Jaiti, P.S. and Anchal - Bochahan, District Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Principal Secretary, Land and Revenue Deptt. Govt. of Bihar, Patna.
3. District Magistrate-cum-Collector, Muzaffarpur.
4. Sub-Divisional Magistrate Muzaffarpur, East District - Muzaffarpur.
5. Dy. Collector Land Reforms, East Muzaffarpur.
6. Anchal Adhikari, Bochahan, District - Muzaffarpur.
7. Pramod Kumar
8. Surendra Rai
9. Ram Baboo Rai
10. Panki Rai, Son of Madhuni Rai
11. Madhuri Rai, Son of Mauji Rai, Respondent No. 7 to 11 are Residents of
Village- Maithi, P.S. -Gaighat, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
For the Respondent/s : Mr. Md.Khurshid Alam -AAG 12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 26-06-2018

Heard Mr. Arun Kumar, learned counsel for the
petitioner and Mr. Majid Mahbood Khan, learned AC to AAG-12
for the respondent-State.

Though, the present writ application was registered on
09.02.2018, but till date no counter affidavit has been filed, hence,
in view of the nature of order this Court intends to pass, this Court
is neither inclined to adjourned matter any further nor inclined to
issue notice to private Respondent Nos. 7 to 11.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment



removed from the land, appertaining to Thana No. 766, Plot Nos. 18 and 21, situated in Village Ekbarpur Jaiti, Circle Bochahan, District Muzaffarpur.

It is submitted by learned counsel for the petitioner that the land in question is recorded in the Revenue Record as public land and the same has been used by public at large as road, but the same has been encroached upon by private Respondent Nos. 7 to 11, as a result of which the ingress and egress of the petitioner from his raiyati land, appertaining to Plot Nos. 288, Khata No. 230, situated in Village Gopalpur Gopal, Circle Bochahan, District Muzaffarpur, has completely been blocked.

For removal of the encroachment from the land in question, the petitioner had filed an application before the Sub-Divisional Public Grievance Redressal Officer, East Muzaffarpur on 16.06.2017, as contained in Annexure-2, whereupon the Sub-Divisional Public Grievance Redressal Officer, East Muzaffarpur, vide order dated 31.10.2017, directed Respondent No.6, the Circle Officer, Bochaha to conduct spot verification and examine Revenue records and then to take action for removal of the encroachment, but till date no action has been taken for removal of the encroachment from the land in question. Hence, the present writ application.



Learned AC to AAG 12 submits that, at present, he is not having any instruction, but from the records it appears that the petitioner never submitted any application before Respondent No.6, the Circle Officer, Bochaha. However, in pursuance to the order of Sub-Divisional Public Grievance Redressal Officer, East Muzaffarpur, Respondent No.6, the Circle Officer, Bochaha will examine the Revenue Record and make spot verification whereupon if it is found that the land in question is a public land and the same has been encroached upon, then he will initiate a proceeding for removal of the same forthwith and will take such proceeding to its logical conclusion within a time frame.

Having heard learned counsel for the parties, it is expected from Respondent No.6, the Circle Officer, Bochaha to examine the Revenue Record and if need be, make spot verification, whereupon if it is found that the land in question is a public land and the same has been encroached upon, then he will initiate a proceeding forthwith, if it has already not been initiated, and will take such proceeding to its logical conclusion within a period of three months from its initiation, after giving due opportunity of hearing to all affected persons including the petitioner and private Respondent Nos. 7 to 11, in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956.



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	09.07.2018
Transmission Date	

