

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4356 of 2018

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Raju Kumar Rai, S/o Ram Ekbal Rai, Resident of Village- Nonoura, P.S.-
Rajpur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Collector-cum-District Magistrate, Buxar.
3. The Addl. Collector, Public Grievance Redressal Cell, Buxar.
4. The Circle Officer, Rajpur, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai
For the Respondent/s : Mr. AC to SC19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-07-2018 Heard learned counsels for the parties.

The present writ application has been filed for a direction to the Respondent No. 4, the Circle Officer, Rajpur, Buxar to get the encroachment removed from the public land/road appertaining to Khata No. 111, Plot No. 277, situated in Mauza – Nonoura, District – Buxar. Further prayer has been made to conclude the proceeding of Encroachment Case No. 6 of 2015-16.

It is submitted by learned counsel for the petitioner that the land in question appertaining to Khata No. 111, Plot No. 277 is a public road and the same has been encroached upon which is causing inconvenience to the public at large. The petitioner submitted a representation dated 04.02.2016, as



contained in Annexure-1, whereupon, Respondent No. 4, the Circle Officer, Rajpur, Buxar initiated Encroachment Case No. 6 of 2015-16 and issued notice dated 01.08.2016 as contained in Annexure-2, to the encroachers but the encroachment proceeding has not been concluded till date.

However, the petitioner made a complaint before the Sub Divisional Public Grievance Redressal Officer, Buxar on 26.9.2016 which was registered as Complaint No. 530210126091600694 and the same was disposed of vide order dated 26.11.2016, as contained in Annexure 3, whereby it was held that the Respondent No. 4, the Circle Officer, Rajpur, Buxar failed to get the encroachment removed from the land in question, hence it was recommended to the Respondent No. 2, the District Magistrate, Buxar to take suitable action against Respondent No. 4, the Circle Officer, Rajpur, Buxar. However, Respondent No. 2, the District Magistrate, Buxar vide order dated 15.6.2017 directed the Respondent No. 4, the Circle Officer, Rajpur, to appear on 29.6.2017 along with the records and before appearance, to remove the encroachment. It further appears from order dated 29.6.2017 that the Respondent No. 4, the Circle Officer, Rajpur appeared before the District Magistrate and submitted that earlier the encroachment was



removed but subsequently the encroachment re-appeared on the land in question. Though the Respondent No. 4, the Circle Officer, Rajpur was directed to remove the encroachment from the public land in question within two weeks but the proceeding in the complaint was stopped. It is further submitted that still the encroachment has not been removed, hence the present writ application.

AC to SC19 submits that at present he is not having any instruction whether the encroachment has been removed or not.

In the circumstances, the Respondent no. 4, the Circle Officer, Rajpur is expected to conclude the Encroachment Case No. 6 of 2015-16 within a period of three months after giving due opportunity of hearing to all affected persons including the petitioner in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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