

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9587 of 2018

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Dharmendra Kumar Gupta, son of Laxman Sah, Resident of Village-Maksudpur, P.S.-Uchakagaon, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
 2. The Commissioner, Saran Division at Chapra
 3. The District Magistrate, Gopalganj
 4. The Circle Officer, Uchakagaon Anchal, District-Gopalganj
 5. The Official Minister, District Bhoodan Yagya Committee, Gopalganj.
 6. Sanjay Tiwary, son of Rameshwar Tiwary
 7. Jageshar Mahto, son of Peda Mahto
- Both resident of Village-Maksudpur, P.S.-Uchakagaon, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Adv.
For the Respondent/s : Mr. Sajid Salim Khan -SC-25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 20-06-2018

Heard learned counsels for the petitioner and 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 appertaining to Thana No.778, Khata No.136, Plot No.1044, situated in Mauza -Maksudpur, District -Gopalganj. The land in question is recorded in the revenue record as 'Gairmajarua Malik, and the same is being used as public road, but the same has been encroached upon by Respondent Nos. 6 to 7.



In view of the nature of order this Court intends to pass, this Court is not inclined to either adjourn the matter any further for filing counter affidavit, or to issue notice to private respondent nos. 6 to 7.

It is submitted by learned counsel for the petitioner that the petitioner filed a complaint on 23.06.2016, as contained in Annexure-2, before the Sub-Divisional Public Grievance Redressal Officer, Hathua, who directed the Respondent No.4, the Circle Officer, Uchakagaon to take action in order to redress the grievance of the petitioner, but the encroachment has not been removed. Thereafter, the petitioner filed second appeal before the Second Appellant Authority-cum-District Magistrate Gopalganj, whereby, vide order dated 16.03.2017, as contained in Annexure-3, the Circle Officer was directed to get the encroachment removed. Ultimately, the petitioner approached the Commissioner-cum-Revisional Authority, Saran Division, who also vide order dated 02.06.2017, as contained in Annexure-4, directed for removal of the encroachment in accordance with law, but till date no action has been taken. Hence, the present writ application.

It is submitted by Mr. S.S. Khan, learned SC-25 that from the order passed by the Public Grievance Redressal



Authority and Revisional Authority, it appears that there is some dispute with regard to the land in question with the Bhodaan Yagya Committee, Gopalganj. However, Annexure-1 does not suggest that the petitioner actually submitted any representation before the Respondent No.4, the Circle Officer, Uchakagaon, But once a proper representation is submitted, the Circle Officer will initiate a proceeding Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') forthwith, if it has not been initiated and the same will be taken to its logical conclusion within a time frame.

In the circumstances, the petitioner is permitted to submit a representation before the Respondent No.4, the Circle Officer, Uchakagaon, within a period of three weeks giving details of the land in question and the name of the persons, who have made encroachment. Thereafter, the Circle Officer is expected to examine the revenue records and if need be make spot verification, whereupon, if it appears to him that public road/land has been encroached upon, then he will initiate a proceeding forthwith with regard to the land in question in accordance with the provisions of Act, if it has not already been initiated and take such proceeding to its logical conclusion within a period of three months, by giving due opportunity of



hearing to all affected persons, including the petitioner and Respondent Nos.6 to 7, in accordance with the provisions of the Act.

The Writ application is, accordingly, disposed of with the observation aforesaid.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.07.18
Transmission Date	N.A.

