

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12979 of 2018

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Gariban Ram, son of Amar Ram, Resident of Village-Chandraman, P.S.-
Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, East Champaran
3. The Additional Collector, East Champaran, Motihari
4. The Sub-Divisional Officer, Raxaul, District-East Champaran
5. The Circle Officer, Adapur, East Champaran
6. Manish Paswan, son of Diron Paswan
7. Rampat Paswan, Son of Chhotu Paswan
8. Biren Paswan, son of Bandu Paswan
9. Ramdut Paswan, son of Tapsi Paswan
10. Kundan Ram, son of Ram Ashre Ram
11. Ram Kund Paswan, son of Mathu Paswan

Respondent Nos. 6 to 11 are resident of Village-Chandraman, P.S.-Adapur,
District-East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha, Adv.
For the Respondent/s	:	Mr. Khurshid Alam- AAG-12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 12-07-2018

Heard, learned Counsels for the petitioner and the

State.

The present writ application has been filed for a

direction to the respondent authorities to get the encroachment

removed from the government land/road appertaining to Khata

No.102, Plot No.543, situated in Village-Chandraman, P.S.-

Adapur, District-East Champaran, as the same has been

encroached upon by Private Respondent Nos. 6 to 11. Further



prayer has been made for a direction to Respondent No.4, the Sub-Divisional Officer, Raxaul, East Champaran for complying the order dated 02.02.2017 and 25.05.2017, as contained in Annexure Nos. 1 and 2 respectively, passed by the Sub-Divisional Public Grievance Redressal Officer, i.e. S.D.O., Raxaul and first Appellate Authority i.e. Additional Collector, Motihari respectively, whereby, direction has been issued to remove the encroachment from the land in question.

In view of the nature of order this Court intends to pass, there is no need to issue notice to Private Respondent Nos. 6 to 11 or to adjourn the matter any further for filing counter affidavit.

It is submitted by learned counsel for the petitioner that the land in question is a public/government land, but the same has been encroached upon by private respondents. It is further submitted that Encroachment Case No. 10 of 2017-18 has been initiated with regard to the land/road in question, but the same has not been taken to its logical conclusion till date. Hence, the present writ application.

Learned counsel for the State submits that, at present, he is not having any instruction whether the land in question is a public road/land or Encroachment Case No.10 of



2017-18, has been concluded or not. However, he submits that if encroachment proceeding with regard to the land in question has not been concluded till date, it will be taken to its logical conclusion within a time frame.

In view of the fact that Encroachment Case No.10 of 2017-18 has already been initiated, the Respondent No.5, the Circle Officer, Adapur is expected to take the proceeding of said encroachment case to its logical conclusion within a period of two months, if it has not been concluded as yet, after giving due opportunity of hearing to all the affected persons, including the Respondent Nos. 6 to 11 and the petitioner, under the provision of the Bihar Public Land Encroachment Act.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

