

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12644 of 2017

Neelu Devi, Wife of Prabhu Prasad, Resident of Mohalla- Keshra Toli, P.S.-
Khajekala, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home Government of Bihar.
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Patna City, Patna.
4. The Officer In-charge, Khajekala Police Station, Patna City, Patna.
5. Rajendra Prasad,
6. Brijendra Prasad,
Both sons of Late Bangali Lal, Resident of Mohalla- Gurhatta, Patna City,
P.S.- Khajekala, District- Patna.
7. Mostt. Daywanti Devi, W/o Late Dinanath Prasad,
8. Manoj Kumar,
9. Anil Kumar,
Both sons of Late Dinanath Prasad, Resident of Mohalla- Kashera Toli, P.S.-
Khajekala, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sarvan Kumar, Adv.
For the Respondent/s	:	Mr. Apurva Kumar, AC to GA-4

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 24-07-2018

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 take a decision and pass
appropriate order on the representation submitted by the
petitioner.

Since the Writ application was registered on
30.08.2017, but no counter affidavit has been filed till date and
in view of the nature of order this Court intends to pass, this



Court is neither inclined to adjourn the matter nor inclined to issue notice to private Respondent Nos.5 to 9.

It is submitted by learned counsel for the petitioner that the petitioner purchased a piece of land appertaining to Holding No.36B/35/46, Circle No.134, Sheet No.220 and Municipality Survey Plot No. 2492-93, but there was a 6 feet wide road which links the plot in question to the main road, but the same has been encroached upon by the Private Respondent Nos. 5 to 9. The petitioner submitted representation on 05.08.2016 18.07.2016, as contained in Annexures 4 and 5 respectively, before the Respondent No.3, the Sub-Divisional Officer, Patna City, Patna, but no action has been taken with regard to removal of encroachment from the land in question. Hence, the present writ application.

It is submitted by learned Counsel appearing on behalf of the respondent-State that, at present, she is not having any instruction whether the land in question is a public land/road or not. But perusal of the representations suggest that no representation, in pursuance to his grievance, was submitted to the Circle Officer, Patna City, nor has he been made a party in this writ application. However, if petitioner submits any such representation before the Circle Officer, Patna City, whereupon,



if he finds that the land in question is a public land and has been encroached upon, then he will initiate a proper proceeding under the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') forthwith, if it has not been initiated as yet and the same will be taken to its logical conclusion within a time frame.

Learned counsel for the petitioner is permitted to implead the Circle Officer, Patna City, Patna as party Respondent No.10.

Considering the rival submissions of the parties, the petitioner is permitted to submit a representation before Respondent No.10, the Circle Officer, Patna City, Patna, within a period of three weeks, whereupon, the Circle Officer will examine the revenue records and if need be will conduct spot verification, whereupon, if he finds 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. It is further expected from the Respondent No.10, the Circle Officer, Patna City to take such proceeding to its logical conclusion within a period of three months, by giving due opportunity of hearing to all affected persons, including Respondent Nos.5 to 9 and the petitioner in accordance with law.



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

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

