

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9968 of 2016

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Chandra Bhusan Kumar, S/o Biru Mahto, Resident of Village- Kamaldah,
P.S.- Bathnaha, Distt Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate-cum- Collector, Sitamarhi.
3. The Circle Officer, Bathnaha, Sitamarhi.
4. The Head Master, Middle School, Vill- Kamaldah, Bathnaha, Sitamarhi.
5. The Sarpanch, Village Kamaldah, P.S. Bathnaha, Dist- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Respondent/s : Mr. Alok Kumar, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 31-07-2018

Heard learned counsel 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 road, appertaining to Plot No.6026,
situated in Village-Kamaldah, P.S.-Bathnaha, District-Sitamarhi,
which is recorded in Khatiyani as 'Gair Majarua Aam road'.

It is submitted by learned counsel for the petitioner
that the land in question is recorded in Khatiyani as 'Gair
Majarua Aam road' which connects to the Government Middle
School, Kamaldah, but due to the encroachment, the children



are facing great difficulty in going to the school through the road in question. The petitioner submitted representations before the Respondent No.2, the District Magistrate, Sitamarhi, on 11.09.2014 and thereafter, on 11.10.2014, as contained in Annexures 3 and 4. Though Encroachment Case No.10 of 2014-15 has been initiated, but till date neither it has been taken to its logical conclusion, nor the encroachment has been removed from the land in question. Hence, the present writ application.

It is submitted by learned AC to GP-12 that, at present, he is not having any instruction whether Encroachment Case No.10 of 2014-15, has been concluded or not, or whether the encroachment from the land in question has been removed or not.

Having heard learned counsel for the parties, this Court is dismayed to think that Encroachment Case No.10 of 2014-15 has been initiated in the year 2014-15, but there is nothing on record to suggest that till date it has been taken to its logical conclusion or not.

In the circumstances, Respondent No.3, the Circle Officer, Bathnaha is expected to conclude the Encroachment Case No.10 of 2014-15, within a period of three months, provided that it has not been concluded, after giving due



opportunity of hearing to all the affected persons, including the petitioner in accordance with the provision of the Bihar Public Land Encroachment Act, 1956.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

