

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10330 of 2014**

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Rana Vijay Singh, Son of Late Thakur Ram Krishna Singh, Resident of  
Mohalla - Dak Bunglow Road, Bettiah, P.S.- Bettiah Town, District - West  
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, West Champaran at Bettiah
3. The Sub - Divisional Officer, Bettiah, West Champaran
4. The Circle Officer, Bettiah Anchal, District - West Champaran null null
5. The Circle Officer, Majhaulia Anchal, District - West Champaran
6. The Executive Engineer, National Highway Division, Motihari, East  
Champaran
7. Jiut Yadav, Son of Bangali Yadav
8. Arun Yadav, Son of Late Jiut Singh, Both Residents of Village - Nanhosati  
Chowk Anchal & P.S. Majhaulia, District - West Champaran
9. Binod Yadav, Son of Late Shakal Yadav, Resident of Village - Ramnagar  
Bankat, Nanhosati Chowk, P.S. & Anchal - Majhaulia, District - West  
Champaran

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma  
For the Respondent/s :

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 24-01-2018**

Heard Ms. Rashmi Jha, learned counsel for the petitioner.

However, none is appearing on behalf of respondent nos. 1 to 6.



In view of the nature of order, this Court intends to pass, this Court is not inclined to issue notice to private respondent nos. 7 to 9.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the southern flank of National Highway-28, near Nanhosati Chowk.

It is submitted by learned counsel for the petitioner that 4 Katha 19 Dhurs of raiyati land of the petitioner, appertaining to Khata No. 150, Plot No. 440, situated in Mauza Jaukatiya, near Nanhosati Chowk, Circle Majhaulia, District West Champaran is existing, which is south to National Highway-28, which is known as Chhapwa-Bettiah road, but the private respondent nos. 7 to 9 have encroached upon the flank of National Highway-28 by installing huts, tea-stall and fixing hand-pipes, as result of which, the ingress and egress of the petitioner on his raiyati land has been obstructed and also the width of National Highway has been reduced.

Faced with such difficulty, respondent no.6, the Executive Engineer, National Highway Division, Motihari, vide Letter No. 71, dated 25.01.2014, as contained in Annexure-3 and vide Letter No. 144, dated 22.02.2014, as contained in Annexure-4, requested



respondent no.3, the Sub-Divisional Officer, Bettiah Sadar for removal of encroachment from the land in question. The petitioner also submitted representation before respondent no.3, the Sub-Divisional Officer, Bettiah Sadar with a copy to respondent no.6, the Executive Engineer, N.H. Divisional Motihari on 12.04.2014, as contained in Annexure-5, but no action has been taken for removal of the encroachment from the land in question. Hence, the present writ application.

A counter affidavit has been filed on behalf of respondent nos. 2, 3 and 4, wherein a statement has been made in paragraph no.4 admitting the fact from the report of Circle Amin, it appears that encroachment has been made. Paragraph no.4 reads as follows:-

“That and after initiation of the aforesaid encroachment case, reports from the Halka Karamchhari, Circle Inspector and Anchal Amin have been called for into the matter and accordingly the Halka Karamchhari, Circle Inspector and Anchal Amin have submitted their report before the authority concerned showing that encroachments have been made over the aforesaid land by the private respondents and others and hence notices have been issued against the encroachers as well as the writ petitioner to file their show cause into the matter and to represent their case as well as their respective claims before the authorities concerned, under the provisions of Bihar Public Land Encroachment Act, 1956.”



Further statement has been made in paragraph no.3 that for removal of encroachment from the land in question, Encroachment Case No. 01 of 2014-15 has been initiated and notice has been issued to the encroachers. Paragraph no.3 reads as follows:-

“That it is most humbly submitted that the Circle Officer, Majhauria, himself has taken cognizance into the matter and hence an encroachment case vide Encroachment Case No. 01 of 2014-15 has been initiated into the matter under the provisions of Bihar Public Land Encroachment Act, 1956.”

Further statement has been made in paragraph no.5 that on completion of the encroachment proceeding, appropriate steps will be taken for removal of the encroachment from the land in question.

Considering the submission of the learned counsel for the petitioner and the stand of respondent nos. 2, 3 and 4 in their counter affidavit, it appears that for removal of encroachment from the land in question, Encroachment Case No. 01 of 2014-15 has been initiated, but there is nothing on record to suggest that the encroachment proceeding has been concluded or not.

Since the encroachment on a public land is admitted by the respondents in their counter affidavit, respondent no.5, the Circle Officer, Majhauria is directed to take the proceeding of Encroachment Case No. 01 of 2014-15 to its logical conclusion, if it has already not been concluded, within a period of three months



from the date of receipt/production of a copy of this order, after giving due opportunity of hearing to all affected persons, including private respondent nos. 7 to 9, in accordance with the provisions of the Bihar Public Land Encroachment Act.

Accordingly, with the above observation and direction, the present writ application is disposed of.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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| Uploading Date    | 03.02.2018 |
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