

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14284 of 2017

Polindar Rai, S/o Gamak Deo Rai, Resident of Village-Morewara, P.S.-
Kalyanpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The District Education Officer, Samastipur.
6. The Officer-in-Charge, Kalyanpur Police Station, Samastipur.
7. The Block Development Officer, Kalyanpur Block, Kalyanpur, Samastipur.
8. The Circle Officer, Kalyanpur Circle, Kalyanpur, Samastipur.
9. Sanjay Rai
10. Vijay Rai
11. Krishna Nandan Rai
12. Shyam Nandan Rai
- Respondent Nos. 9 to 12 are Sons of Late Anup Lal Rai
13. Khakhan Pandit
14. Bihari Pandit
15. Ram Babu Pandit
- Respondent Nos. 13 to 15 are Sons of Rameshwar Pandit
16. Ram Prasad Sah, S/o Nirasan Sah
17. Ram Chandra Thakur, S/o Manki Thakur
18. Mahendra Thakur, S/o Manki Thakur
19. Kameshwar Sah
20. Ram Babu Sah
21. Kanhai Sah
- Respondent Nos. 19 to 21 are Sons of Siya Sharan Sah
22. Rakesh Sah, S/o Sadhu Sharan Sah
23. Ram Milan Sah, S/o Ram Shresth Sah
24. Sushil Sah, S/o Ram Prasad Sah
25. Arjun Das, S/o Bhola Das.
26. Ram Prasad Sah, S/o Ram Uchit Sah
27. Upendra Mandal
28. Birendra Mandal
- Respondent Nos. 27 to 28 are Sons of Ravi Mandal

Respondent Nos. 9 to 28 are resident of Morewara, P.S. Kalyanpur, District-
Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sushil Kumar Jha, Advocate
For the State	:	M/s. Ashutosh Ranjan Pandey, AAG-15 Amarendra Kumar



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 28-08-2018

1. The grievance raised in the present petition is two folds, one is with respect to the encroachment over public land of the Upgraded Middle-cum-High School, Morewara, under Kalyanpur Block, P.S. Kalyanpur of Samastipur District and another is with respect to the encroachment of the approached road situated at Khata No. 511 (old), 2036 (new), Khesara Nos. 1747, 1748, 1731 and 1732 having an area of 123 decimals.

1.1 It is reported that pursuant to the earlier order passed by this Court dated 20.08.2018, the Circle Officer, Kalyanpur Circle, Samastipur and the Additional District Magistrate, Samastipur are present in the Court. They have assured the Court that henceforth the necessary instructions shall be furnished to the Office of the Government Pleader as and when required and according to the notice of the Court is served. The Additional District Magistrate, Samastipur has assured the Court that the departmental proceedings have been initiated against the then Circle Officer, Kalyanpur Circle, Samastipur, who did not give any further instruction/instructions to the Office of the Government



Pleader which were asked by the Division Bench of this Court vide order dated 17.04.2018.

2. A counter is filed on behalf of the respondents affirmed by the Circle Officer, Kalyanpur, Samastipur, dated 25.08.2018 in which it is stated that the encroachment from the school premises has been removed and even debris of the encroachment has also been removed. It is stated that so far as the approached road in question is concerned, the notices have been issued against the alleged encroachers under the Provisions of Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act”) and the next date of hearing is 31.08.2018. It is stated that the final order shall be passed after hearing the concerned persons within a period of one week from 31.08.2018 and, thereafter, further steps shall be taken as required under the Act including removing the encroachment from the approached road in question within a period of four weeks thereafter.

3. The concerned respondents are directed to act accordingly and submit the report before this Court in the present proceeding within a period of one week thereafter.

3.1 With the aforesaid directions, the present petition is disposed of at this stage. Liberty to revive the petition by the petitioner, in case the present order is not complied with by the



Circle Officer and/or the District Magistrate concerned. Any lapse or inaction on the part of the Circle Officer and/or the Office of the District Magistrate concerned hereinafter and non-compliance of the present order/direction shall be viewed very seriously.

4. Personal appearance of the Circle Officer, Kalyanpur Circle, Samastipur and the Additional District Magistrate, Samastipur is dispensed with.

(Mukesh R. Shah, CJ)

(Dr. Ravi Ranjan, J)

Sanjay/-Spd

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	NA

