

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8002 of 2018

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Pappu Singh, Son of Ram Bahadur Singh, Resident of Village Jagdishpur,
Ward No. 1, P.S. Bhagwanpur, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue & Land Reforms Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Munger Division, Munger.
3. The District Magistrate-cum-Collector, Begusarai.
4. The Additional Collector, Begusarai.
5. The Sub Divisional Magistrate, Teghra, Begusarai.
6. The Deputy Collector, Land Reforms, Teghra, Begusarai.
7. The Circle Officer, Bhagwanpur, Begusarai.
8. The Officer-In-Charge, Bhagwanpur Police Station Bhagwanpur, Begusarai.
9. Silif Mahto
10. Dilip Mahto
11. Atm Mahto Sons of Late Ram Bali Mahto Resident of Village - Jagdishpur, P.S. Bhagwanpur, District - Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Jha, Adv.
For the Respondent/s : Mr. Rakesh Srivastava, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 02-05-2018

Heard learned counsel for the petitioner and learned
AC to GP-15 for the respondent-State.

In view of nature of order this Court intends to pass,
this Court neither inclined to issue notice to private respondent
nos. 9 to 11, nor to adjourn the matter any further.

The present Writ application has been filed for a
direction to the respondent authorities, particularly, respondent
no.7, the Circle Officer, Bhagwanpur to get the encroachment



removed from the public road/land situated in Village -Jagdishpur, Circle-Bhagwanpur, District -Begusarai.

It is submitted by learned counsel for the petitioner that the land in question is a public road, but the private respondent nos. 9 to 11 have not only encroached the public road, but have also encroached the raiyati land of the petitioner. The petitioner and others filed public petitions on 08.01.2018 and 21.04.2018, as contained in Annexure-1 series, before the respondent no.7, the Circle Officer, Bhagwanpur, for removal of encroachment from the land in question.

However, learned counsel for the petitioner confines his prayer only to the extent of disposal of the representations, as contained in Annexure-1 series.

It is submitted by learned counsel for the respondent-State that, at present, he is not having any instruction whether the land in question is a public land/road or not, or whether the representation of the petitioner has been disposed of or not, but he further submits that if the representation of the petitioner has not been disposed of, it shall be disposed of within a time frame.

Having heard learned Counsels for the parties, the sine qua non for initiating a proceeding for removal of encroachment is prescribed under Section 3 of the Act which



stipulates that if it appears to the Collector under the Act from an application made by any person or upon information received from any sources that any person has made or is responsible for the continuance of any encroachment upon any public land, he will initiate a proceeding under the Act.

In the present case, the public petition was submitted before the Circle Officer on 08.01.2018 and 21.04.2018, who ought to have examined the issue by giving notice to all affected persons in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956.

In the circumstances, the respondent no.7, the Circle Officer, Bhagwanpur, is expected to dispose of the representation of the petitioner, as contained in Annexure-1 series, if it has not already been disposed of within a period of four weeks, on receipt/production of a copy of this order.

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

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

