

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12539 of 2018

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Basudev Singh, Son of Late Shiv Nandan Singh, Resident of Village-
Raghopur, Police Station- Bibhutipur in the district of Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna. null null
4. The District Magistrate-cum-Collector, Samastipur. null null
5. The Sub-Divisional Officer, Rosera, Samastipur. null null
6. The Circle Officer, Bibhutipur in the district of Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Respondent/s : Mr. Sajid Salim Khan- Sc25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 10-07-2018

Heard Mr. Sunil Kumar, learned counsel for the
petitioner and Mr. Sajid Salim Khan, learned SC 25 for the
respondent-State.

In view of the nature of order this Court intends to pass,
this Court is not inclined to adjourn the matter any further.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment
removed from the public land/road, appertaining to Khata No. 141
(old), Plot No. 403 (old), 233 and 234 (new), situated at Mauza
Raghopur, Block Bibhutipur, District Samastipur.



It is submitted by learned counsel for the petitioner that the land in question is a public road, but one Ram Jhulan Chaudhary and his family members have encroached upon the same. In pursuance to public petitions, dated 11.08.2017 and 14.05.2018, filed before Respondent No.4, the District Magistrate, Samastipur, as contained in Annexure-1(series), Respondent No.6, the Circle Officer, Bibhutipur, vide order dated 12.04.2012, directed the encroachers to remove the encroachment from the land in question, but till date encroachment has not been removed. Hence, the present writ application.

Mr. Sajid Salim Khan, learned SC 25 submits that the petitioner has not arrayed the alleged encroacher, Ram Jhulan Chaudhary as party respondent in the present writ application. Moreover, though, reference has been made to some order dated 12.04.2012, passed by Respondent No.6, the Circle Officer, Bibhutipur, but the said order has not been brought on record and above all from the pleading of the writ application, it appears that no representation was ever submitted before Respondent No.6, the Circle Officer, Bibhutipur for removal of the encroachment from the land in question. In the said circumstance, he is not in a position to say whether the land in question is a public land or not, but if the land in question is a public land and the same has been



encroached upon, then appropriate proceeding under the Bihar Public Land Encroachment Act, 1956(hereinafter referred to as 'the Act') will be initiated forthwith, provided the petitioner submits representation to that effect before Respondent No.6, the Circle Officer, Bibhutipur.

Having heard learned counsels for the parties, this Court finds substance in the submission of learned counsel for the State, as from the pleadings made in the writ application, it appears that no application has been submitted before Respondent No.6, the Circle Officer, Bibhutipur for removal of the encroachment from the land in question, nor it appears that any proceeding under the Act has been initiated till date. Though, representations have been brought on record, as Annexure-1(series), but such representations were submitted before Respondent No.4, the District Magistrate, Samastipur.

In the circumstances, this Court permits the petitioner to submit detailed representation before Respondent No.6, the Circle Officer, Bibhutipur within a period of four weeks from the date of receipt/production of a copy of this order, whereupon, it is expected from Respondent No.6, the Circle Officer, Bibhutipur to examine the Revenue Records and if need be, measure the land in question, whereupon if it appears to him that the land in question



is a public land and the same has been encroached upon, then he will initiate a proceeding under the Act forthwith, if the same has already not been initiated and will take such proceeding to its logical conclusion within a period of four months from its initiation, after giving due opportunity of hearing and putting defence to all affected persons, including the petitioner, in accordance with the provisions of the Act.

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

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

