IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13783 of 2018

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Yogendra Singh, Son of Late Sripat Singh @ Sripati Singh, Resident of Village-Murarpur, Post-Kakariya, P.S.-Itarhi, District-Buxar.

... ... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Revenue and Land Reforms Deparmtnet, Bihar Patna.
2. The District Magistrate, Buxar.
3. The Sub Divisional Officer, Buxar.
4. The Land Reforms, Deputy Collector, Buxar.
5. The Circle Officer, Itarhi Block, District-Buxar.
6. Dinesh Upadhyay, Son of Late Narayan Upadhyay.
7. Anand Upadhyay, Son of Sri Dinesh Upadhyay.
8. Hareram Upadhyay, Son of Sri Dinesh Upadhyay All three Resident of Village-Murarpur, Post-Kakariya, P.S.-Itarhi, District-Buxar.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
Mr. Vinod Kumar, Adv.
For the Respondent/s : Mr. Subash Chandra Yadav, GP-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-07-2018 Heard Mr. Sanjeev Kumar Singh, learned counsel appearing for the petitioner and Mrs Sanghmitra Ghosh, AC to GP-15.

The present writ application has been filed for a direction to the Respondent authorities to get the encroachment removed from the public land appertaining to Khata No. 43, Plot No. 114, Thana No. 494, situated in Mauza – Murarpur, District – Buxar which has been encroached upon by private Respondent Nos. 6 to 8. The land in question is recorded in khatiyan as ‘Anabad Sarva Sadharan’ and the same is being used as a public road by the public at large.

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It is submitted by learned counsel for the petitioner that the land in question is a public land which is being used as a public road. It is further submitted that the petitioner's purchased land appertaining to Khata No. 01, Plot No. 245, Thana No. 494 is situated south to the public road/land in question, but since the public road in question has been encroached upon by private Respondent Nos. 6 to 8, it is causing inconvenience to the petitioner as well as the public at large. The petitioner approached the Public Grievance Redressal Officer in 2016, subsequently, the Respondent No. 5, the Circle Officer, Itarhi Block, Buxar after making an inquiry in that regard, submitted a report stating therein that encroachment has been made on the public land in question, but ultimately, no action was taken by the Respondent Authorities to remove the encroachment from the land in question. Thereafter, the petitioner filed an application on 12.02.2018 before the Respondent No. 5, the Circle Officer, Itarhi Block, Buxar for initiation of encroachment proceeding under Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act') as well as for removal of the encroachment from the land in question, but till date, neither any proceeding has been initiated nor the encroachment has been removed from the land in question.

Learned AC to GP 15 submits that at present, she is not

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having any instruction whether the encroachment proceeding has been initiated or the encroachment has been removed from the public land in question, but if the encroachment proceeding has not been initiated till date, the same will be initiated and will be taken to its logical conclusion within a time frame.

Considering the rival submission of the parties, it is expected from Respondent No. 5, the Circle Officer, Itarhi Block, Buxar to examine the issue and if it appears to him that the public road or its flanks have been encroached upon, then he will initiate the proceeding under the Act within two weeks of the receipt/production of a copy of this order and will take such proceedings to its logical end within a period of three months thereafter, after giving due opportunity of hearing to all affected persons including the petitioner and the private Respondent Nos. 6 to 8 in accordance with the provisions of the Act.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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