

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14867 of 2018

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Ravindra Prasad Singh, Son of Late Bhola Singh, resident of Village and P.O.- Gosain Math, P.S.- Harnaut, District- Nalanda at Present Residing of Mohalla- L.I.G. 9/299 Hanuman Nagar, P.S.- Patrakar Nagar, District & town- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The Engineer in chief Rural Works Department, Visheshwaraiya Bhawan, Baily Road, Patna.
3. The Executive Engineer, R.W.D. Works Division, Harnaut, District- Nalanda.
4. The Sub-Divisional Public Grievance Redressal Officer, Biharsharif, Nalanda.
5. The District Magistrate, Nalanda.
6. The Circle Officer, Harnaut, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar, Adv.
For the Respondent/s : Mr. Pratik Kumar Sinha, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 31-07-2018

Heard learned Counsels for the petitioner and the respondent-State.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the public road which runs from NH-30A to Middle School, Gosai Math, situated in Plot No.908, Mauza-



Berhna, P.S.-Harnaut, District-Nalanda. Further prayer has been made to get the PCC road constructed by the Rural Works Department for which the proper sanction has been made.

Learned counsel for the petitioner, at present, confines is prayer only with regard to removal of encroachment from the land in question.

It is submitted by learned counsel for the petitioner that the road in question runs from NH30A to Middle School, Gosai Math, but the same has been encroached upon by several persons. Though a PCC road has been sanctioned, but it has not been constructed due to the encroachment made by several persons. On 22.12.2016, the petitioner made a complaint before the Sub-Divisional Public Grievance Redressal Officer, Biharsharif, Nalanda, who vide order dated 31.08.2017, as contained in Annexure-1, directed the Respondent No.6, the Circle Officer, Harnaut, to get the land in question measured and take needful action. But till date neither any encroachment proceeding has been initiated, nor the encroachment has been removed from the land in question. Hence, the present writ application.

It is submitted by learned AC to GA-5 that, at present,



he is not having any instruction whether the land in question is a public land/road or not, but if it is a public land/road and the same has been encroached upon, then a proper proceeding under the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') will be initiated forthwith, if it has not been initiated and the same will be taken to its logical conclusion within a time frame.

In the circumstances, it is expected from the petitioner to submit a representation before the Respondent No.6, the Circle Officer, Harnaut, giving detail of the road in question which has been encroached upon, within a period of three weeks, from the date of receipt/production of a copy of this order, whereupon, the Circle Officer is expected to examine the revenue records and if need be to conduct spot verification, whereupon, if it appears to him that public road/land has been encroached upon, then he will initiate a proceeding forthwith with regard to the land in question in accordance with the provisions of Act, if it has not already been initiated and will take such proceeding to its logical conclusion within a period of three months, by giving due opportunity of hearing to all affected persons, including the petitioner, in accordance with the provisions of the Act.



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

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

