

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15006 of 2018

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Santosh Yadav, son of late Sukhdev Yadav, Resident of Village-Khedan
Bigha, P.S.-Islampur, District-Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Patna
3. The District Magistrate, Nalanda
4. The Land Reforms Deputy Collector, Hilsa, Nalanda
5. The Sub-Divisional Officer, Nalanda
6. Circle Officer, Nalanda
7. Bishnu Yadav, son of late Bhattu Gope
8. Meghan Yadav
9. Arun Yadav
- 10 Shubodh Yadav
11. Munarik Yadav

Respondent Nos. 7 to 11 are sons of Badhan yadav, Residents of Village-Khedan Bigha, P.S.-Islampur, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.
For the Respondent/s : Ms. Sanghmitra Ghosh, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 01-08-2018

Heard learned counsel 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 water channel (payin), on a land appertaining to Plot No.921, Khata No.426 situated in Mauza- Vardih-96, Village- Khedan Bigha, P.S.-Islampur, District- Nalanda, which is recorded in the revenue record as 'Gair Majarua Aam Land'. Further prayer has been made for a direction to Respondent



No.6, the Circle Officer, Nalanda to conclude the Encroachment Case No.05 of 2016-17.

In view of the nature of order this Court intends to pass, this Court is neither inclined to adjourn the matter nor inclined to issue notice to Private Respondent Nos. 7 to 11.

It is submitted by learned counsel for the petitioner that the land in question is a water channel (payin), which is used by the villagers at large as an alternative source of irrigation, but the same has been encroached upon by the Private Respondent Nos.7 to 11, as a result, the people of that area are facing severe hardships. In that regard, the petitioner also made a complaint before the Sub-Divisional Public Grievance Redressal Officer, Hilsa, who vide order dated 8.11.2016, as contained in Annexure-1, directed the Circle Officer, Hilsa to conclude the proceeding of encroachment Case No.05 of 2016-17, in accordance with the provisions of Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'). Subsequently, the petitioner preferred an appeal before the Additional Collector, Nalanda, who vide order dated 24.12.2016, as contained in Annexure-2, affirmed the order passed by the Sub-Divisional Public Grievance Redressal Officer. Thereafter, the petitioner preferred second appeal before



the Respondent No.1, the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, who vide order dated 21.12.2017, as contained in Annexure-3, directed the DCLR, Hilsa to settle the encroachers since they are landless persons and further directed the Circle Officer to remove the encroachment within fifteen days. Thereafter, the petitioner submitted a representation before the Respondent No.3, the District Magistrate, Nalanda, on 09.04.2018, as contained in Annexure-4, but till date, neither the encroachment proceeding has been taken to its logical conclusion, nor the encroachment has been removed from the land in question. Hence, the present writ application.

It is submitted by learned AC to GP-15 that, at present, she is not having any instruction whether Encroachment Case No.5 of 2016-17, has been concluded or not, or whether the encroachment from the land in question has been removed or not.

Having heard learned counsel for the parties, this Court is dismayed to find that Encroachment Case No.05 of 2016-17 was initiated in the year 2016, but there is nothing on record to suggest that till date it has been taken to its logical conclusion or not.



In the circumstances, Respondent No.6, the Circle Officer, Nalanda is expected to conclude the Encroachment Case No.05 of 2016-17, within a period of eight weeks, of the receipt/production of a copy of this order provided that it has not been concluded as yet, after giving due opportunity of hearing to all the affected persons, including Respondent Nos. 7 to 11 and the petitioner in accordance with the provision of the Act.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

