

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15518 of 2018

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Surya Narayan Yadav, Son of Bunni Lal Yadav, R/O -Village-Rajaram Patti,
P.S.-Andhramath, District-Madhubani.

... .. Petitioner/s

Versus

- 1.The State of Bihar through the Principal Secretary, the Land Reforms and Revenue Department, Government of Bihar, Patna
 2. The District Magistrate, Madhubani
 3. The Sub-divisional Officer, Fulparas, Madhubani
 4. The DCLR, Madhubani
 5. The Circle Officer, Fulparas, Madhubani
 6. S.H.O. Andhramath, Madhubani
 7. Chhutharu Yadav @ Raghunath, S/O late Yadu Yadav
 8. Chandra Kishore Yadav, son of Chhutharu Yadav @ Raghunath
 9. Md. Rafiq Sah, S/O late Pachu Sah
 10. Md. Sadik Sah, S/o late Pachu Sah
 11. Lal Mohammad Sah @ Lalwa, S/O Sadik Sah
 12. Rahamtullah Sah, S/o Rafik Sah
 13. Munna Sah, S/o Rafik Sah
 14. Sabrun Khatoon, W/o Lal Mohammad Sah
- Respondent Nos. 7 to 14 are Resident of Village-Rajaram Patti, P.S.-Andhramath, District-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.
For the Respondent/s : Ms. Rekha Kumari, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 07-08-2018

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 land/road which is situated in front of
the raiyati land of the petitioner, appertaining to Old Khata
No.58 (new 165), Old Plot No.58 (new Plot No.79), Jamabandi



No.58, situated in Circle -Phulparas, District-Madhubani, but the same has been encroached upon by Private Respondent Nos. 7 to 14.

In view of the nature of order this Court intends to pass, this Court is neither inclined to adjourn the matter for filing of counter affidavit, nor inclined to issue notice to Private Respondent Nos. 7 to 14.

It is submitted by learned counsel for the petitioner that there is a public road situated in front of the raiyati land of the petitioner, but it has been encroached upon by Private Respondent Nos. 7 to 14, as a result, the egress and ingress of the people at large has been obstructed. The petitioner filed a petition before Sub-Divisional Magistrate, Phulparas, Madhubani, whereupon, proceeding under Section 144 of the Cr. P.C. was initiated by the Sub-Divisional Magistrate, Phulparas, Madhubani, being M. R. No. 14/13, wherein, vide order dated 12.03.2013, as contained in Annexure P/2, and the Sub-Divisional Magistrate, directed Respondent No.5, the Circle Officer, Laukahi, and Respondent No.6, the S.H.O., Andhramath to remove the encroachment from the land in question. But till date, neither any encroachment proceeding has been initiated with regard to the land in question, nor the



encroachment has been removed from the land in question.

Hence, the present writ application.

It is submitted by learned AC to GP-18 that, at present, she 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 reasonable time frame.

There is nothing on record to suggest that any representation was submitted before the Respondent No.5, the Circle Officer, Phulparas for removal of the encroachment from the public road.

In the circumstances, the petitioner is permitted to submit a representation before the Respondent No.5, the Circle Officer, Phulparas, giving details of the land in question from where the encroachment has been sought to be removed within a period of two weeks from the date of receipt/production of a copy of this order, whereupon, it is expected from the Circle Officer 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 thereafter, by giving due opportunity of hearing to all affected persons, including Private Respondent Nos. 7 to 14 and the petitioner, in accordance with the provisions of the Act.

Accordingly, the writ application stands disposed of with the observation aforementioned.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

