

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.81 of 2018

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Hari Prasad Singh @ Hari Prasad, S/o-Ram Rati Yadav, Resident of Village-Ram Nagar, Police Station-Dawath, District-Rohtas.

... .. Petitioner

Versus

1. The State of Bihar
2. The District Collector, Rohtas, Sasaram.
3. The Sub Divisional Officer, Bikramganj, Rohtas.
4. Circle Officer, Dawath, Rohtas.
5. Block Development Officer, Dawath, Rohtas.
6. Dara Singh
7. Sachidanand Singh
8. Brijnandan Singh
9. Ajay Singh
10. Rup Narayan Singh, Respondent No. 6 to 10 All Sons of Vishwanth Singh,
11. Ram Rahas Singh
12. Babu Lal Singh
13. Hari Narayan Singh, Respondent No. 11 to 13, All Sons of Ram Nath Singh, Residents of Village-Ram Nagar, Police Station -Dwath, District-Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey
For the Respondent/s : Mr. R.K. Roy- GP18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 23-04-2018

Heard Mr. Rang Nath Choubey, learned counsel for the petitioner and Mr. Raj Kishore Roy, learned G.P.-18 for the respondent-State.

Though, the present writ application was registered on 02.01.2018, but till date no counter affidavit has been filed, hence in view of the nature of order this Court intends to pass, this Court is neither inclined to adjourn the matter any further nor inclined to issue notice to private respondent nos. 6 to 13.



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. 262, Plot No. 734 and 786, situated at Village Ram Nagar, P.S. Dawath, District Rohtas.

It is submitted by learned counsel for the petitioner that the land in question is a public land, but the same has been encroached upon by private respondent nos. 6 to 13.

Though, on a complaint made by the petitioner for removal of encroachment from the land in question, Encroachment Case No. 07 of 2012-13 has been initiated, but it has not been concluded till date. The petitioner also made complaint before Sub-Divisional Officer, Bikramganj, Rohtas, wherein respondent no.4, the Circle Officer, Dewath submitted a report, vide letter no. 414 dated 17.08.2013, as contained in Annexure-2, to the effect that the land in question is a public land, but the same has been encroached upon, but in spite of that neither any proceeding, under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), has been initiated, nor the encroachment has been removed from the land in question. Hence, the present writ application.



Mr. R.K. Roy, learned G.P.-18 submits that though Encroachment Case No. 07 of 2012-13 has been initiated, but at present, he is not having any instruction whether such proceeding has been taken to its logical conclusion or not, or whether the encroachment has been removed or not, but if the proceeding of Encroachment Case No. 07 of 2012-13 has not been concluded till date, the same will be taken to its logical conclusion within a time frame.

It is further submitted that during enquiry, it was found that the petitioner himself is one of the encroachers over the substantial portion of the public land.

Learned counsel for the petitioner submits that the petitioner is ready to remove the encroachment, if it is found that he has encroached upon the public land.

In the circumstances, respondent no.4, the Circle Officer, Dawath is expected to take the proceeding of Encroachment Case No. 07 of 2012-13 to its logical conclusion within a period of two months, if it has already not been concluded, after giving due opportunity of hearing to all affected persons including private respondent nos. 6 to 13, 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	25.04.2018
Transmission Date	

