

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4016 of 2018

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Harish Chandra Prasad Thakur alias Harish Chandra Prasad Sharma, Son of Rameshwar Prasad Sharma, resident of village - Dhgarpur Post Jitwariya P.S. Kalyanpur District Samastipur.

... .. Petitioner/s

Versus

1. The Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The Collector, Samastipur, District - Samastipur, Bihar.
4. The Additional Collector Samastipur, Bihar.
5. The Senior Deputy Collector Samastipur, Bihar.
6. The Superintendent of Police, Samastipur, Bihar.
7. The Circle Officer, Kalyanpur Block, District Samastipur, Bihar.
8. The Station House Officer (S.H.O.) Kalyanpur District Samastipur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh, Adv.
For the Respondent/s : Ms. Prakritita Sharma, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 17-07-2018

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

The petitioner is aggrieved by a notice dated 23.09.2017, issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), as contained in Annexure-1, by the Respondent No.7, the Circle Officer, Kalyanpur, in Encroachment Case No.7 of 2017-18, whereby, the petitioner has been directed to submit his show cause by 09.10.2017, before the office of the Circle Officer, as to why, the encroachment should not be removed from the land



appertaining to Khata No.158, Plot No.352, P.S. No.-35, situated in Village -Dharmpur, P.S. -Kalyanpur, District-Samastipur, failing which, the proceeding has been directed to proceed *ex parte*.

It is submitted by learned Counsel for the petitioner that the land in question is raiyati land of the petitioner which is adjacent to the public land. Since Encroachment Case No.07 of 2017-18 has been initiated and the petitioner has been noticed vide impugned notice, as contained in Annexure-1, the learned counsel for the petitioner confines his prayer only to the extent that before the encroachment proceeding is taken to its logical conclusion, the land in question be measured through a competent Amin.

It is submitted by learned AC to SC-25 that in pursuance to the impugned notice, as contained in Annexure-1, neither a show cause has been submitted by the petitioner, nor any averment to that effect has been made in the writ application. However, she further submits that, at present, she is not having any instructions whether the encroachment proceeding has been taken to its logical conclusion or not. But if it has not been concluded as yet, it will be concluded within a time frame.



Considering the limited prayer of learned counsel for the petitioner to the extent of measurement of the land in question, it is expected from Respondent No.7, the Circle Officer, Kalyanpur that, if Encroachment Case No.7 of 2017-18 has not been concluded as yet, then before conclusion of the said proceeding, measurement of the raiyati land of the petitioner, which is adjacent to the public land, be made, if the petitioner deposits the required fee for measurement.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

