

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1589 of 2018

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Shashi Kant Singh, S/o Late Lal Deo Singh, R/o Village-Lala Bhadasara, P.S.-
Dulhin Bazar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms Bihar,
Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Circle Officer, Dulhin Bazar, District-Patna.
6. The Officer-in-Charge, Dulhin Bazar Police Station, District-Patna.
7. Amar Prakash Yadav
8. Ram Raksha Yadav Both are Sons of Chairu Yadav R/o Village-Lala
Bhadasara, P.S.-Dulhin Bazar, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Adv.
For the Respondent/s : Ms. Archana Prasad, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-02-2018 Heard learned Counsels for the petitioner and the
respondent-State.

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 and 8.

Though, the Writ application has been filed primarily for a
direction to respondent authorities to get the encroachment
removed from the ancestral land of the petitioner appertaining to
Khata No. 172, Plot No. 1420, situated in Mauza- Bhadsara,
Thana No. 295, situated in Village -Lala Bhadsara, P.S.-Dulhin
Bazar, District-Patna, which has been encroached upon by



respondent nos.7 and 8, but secondary prayer is for removal of encroachment from aforementioned public land/road appertaining to Plot No.1419, Khata No. 290, situated adjacent to petitioner's raiyati land, which is recorded in the Khatian as part of the road in favour of the Road Construction Department.

Learned Counsel for the petitioner confines his prayer only to extent of removal of encroachment from the public land/road with a liberty to agitate his claim with regard to removal of encroachment from his raiyati land before the appropriate forum. The petitioner submitted a representation dated 10.11.2017 before the respondent no.5, the Circle Officer, Dulhin Bazar, as contained in Annexure - 6, but till date no proceeding has been initiated under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act')

It is submitted by learned Counsel appearing on behalf of the respondent-State 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 and the same has been encroached upon, then a proper proceeding under the provisions of 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.

Considering the rival submissions of the parties



particularly the present confined prayer of the petitioner with regard to removal of encroachment from the public land, which has obstructed the egress and ingress of the petitioner, the petitioner is permitted to submit a representation before respondent no.5, the Circle Officer, Dulhin Bazar within a period of three weeks, whereupon, the Circle Officer will examine the revenue records and if need be make spot verification and if he finds 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. It is further expected from the respondent no.5, the Circle Officer, Dulhinbazar to take such proceeding to its logical conclusion within a period of three months, by giving due opportunity of hearing to all affected persons including respondent nos. 7 and 8 under the Act.

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

(Dinesh Kumar Singh, J)

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