

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3519 of 2018

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Praveen Devi, W/o- Arjun Prasad Singh, Resident of Village- Basdiha Kalan,
P.O.+ P.S.- Phesar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue and Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Sub- Divisional Officer cum Sub- Divisional Public Grievance Redressal Officer, Aurangabad.
4. The Circle Officer, Aurangabad.
5. The Officer-In- Charge, Aurangabad Police Station, Aurangabad.
6. Sri Akhileshwar Singh, S/o- Late Awadh Bihari Singh,
7. Sri Shailesh Singh, S/o- Late Awadh Bihari Singh, Both Respondent No.- 6 & 7 Residents of Village- Basdiha Kalan, P.O.+ P.S.- Phesar, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushotam Sharma, Adv.
For the Respondent/s : Md. Majid Mahboob Khan, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 24-04-2018

Heard learned counsel for the petitioner and learned AC to AAG-12 for respondent nos. 1 to 5.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the land appertaining to Khata No.43, Plot No.190, admeasuring an area 3 decimals, situated in Village-Basdiha Kalan, P.O.+P.S.- Phesar, District-Aurangabad, in view of the order dated 25.09.2017, as contained in Annexure-1, passed by the respondent no.3, the Sub-Divisional Officer-cum-Sub-



Divisional Public Grievance Redressal Officer, Aurangabad, whereby, the respondent no.4, the Circle Officer, Aurangabad, was directed to conclude the proceeding and get the encroachment removed from the land in question. Though Encroachment Case No.8 of 2017-18 was initiated, but till date neither it has been taken to its logical conclusion, nor the encroachment has been removed from the land in question. Hence, the present writ application.

Considering the fact that appropriate proceeding under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') has been initiated being Encroachment Case No.08 of 2017-18, but there is nothing on record to suggest that the said proceeding has been taken to its logical conclusion, despite the direction of the Sub- Divisional Public Grievance Redressal Officer, Aurangabad, under the Public Grievance Redressal Act, as contained in Annexure-1, the Respondent No. 4, the Circle Officer, Aurangabad, is expected to conclude the proceeding of Encroachment Case No.08 of 2017-18, within a period of two months, if it has not already been concluded, after giving due opportunity of hearing to all the affected persons, including the private respondent nos. 5 to 7, in accordance with the provisions



of the Act.

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

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

