

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6355 of 2018

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Md. Jahangir, Son of Md. Imbrahim, Resident of Village- Maliyachak,
Police Station- Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Government of Bihar Patna.
2. The Principal Secretary of Revenue Department, Government of Bihar Patna.
3. The District Magistrate, Banka.
4. The Superintendent of Police, Banka.
5. The Deputy Collector of Land Reforms, Banka.
6. The Circle Officer, Dhoraiya.
7. The Officer-in-charge of Dhoraiya Police Station, Police Station- Dhoraiya, District- Banka.
8. Chalittar Ravidas, Son of Late Kangali Das, Resident of Village- Maliyachak, Police Station- Dhoraiya, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 03-08-2018

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 initiated a proceeding under the provisions Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') and to get the encroachment removed from the public land, appertaining to Plot No.116, Khata No.66, situated at Mauza-Maliya Chak, District -Banka.



Since the writ application has been registered on 4.4.2018 but no counter affidavit has been filed till date and 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 No.8, Chalittar Ravidas.

It is submitted by learned counsel for the petitioner that there is a pond over the land in question which is used by the public at large, but the same has been encroached upon by Private Respondent No.8, Chalittar Ravidas. For removal of encroachment from the land in question, the petitioner submitted a representation on 02.02.2015, before the respondent authorities. Subsequently, the petitioner and other villagers submitted a representation with regard to the removal of the encroachment from the land in question before the Respondent No.6, the Circle Officer, Dhoraiya, on 30.01.2015, as contained in Annexure-1, whereupon, the Circle Officer directed the Circle Amin vide Letter No.913, dated 20.12.2016 to submit a report after conducting the measurement of the said land in respect of the complaint made by the petitioner. In pursuance to the same, the Circle Amin, after conducting the measurement of the land submitted a report on 23.12.2016, as contained in Annexure-2, stipulating therein that Private Respondent No.8, Chalittar



Ravidas has encroached over the public pond by making a construction over it. But even then, no action was taken by the Circle Officer in this regard and thereafter, the petitioner made a complaint before the Sub-Divisional Public Grievance Redressal Officer, on 04.03.2017, who vide order dated 19.06.2017, directed the Circle Officer to conclude the encroachment proceeding latest by 17.07.2017, as contained in Annexure-3. 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 SC-19 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/road 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 fair stand of learned SC-19, the Respondent No.6, the Circle Officer, Dhoraiya is expected 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, by giving due opportunity of hearing to all affected persons, including Private Respondent No.8, Chalittar Ravidas and the Petitioner, 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	

