

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9133 of 2018

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1. Radha Mohan Singh, son of Late Sri Nand Kumar Singh
 2. Roma Kumari, wife of Sri Om Prakash Nirala
- Both are residents of Village- Gamharia, P.O. Bad, P.S. Karakat,
District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Collector, Rohtas at Sasaram.
3. The Sub- Divisional Officer, Bikramganj, District- Rohtas at Sasaram.
4. The Anchal Adhikari, Karakat (Gorari), P.S. Karakat, District- Rohtas at Sasaram.
5. Sanjay Singh, son of Late Kamta Singh, resident of Village- Gamharia, P.O. Bad, P.S. Karakat, District- Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha No-1, Adv.
For the Respondent/s : Mr. Sajid Salim Khan -SC-25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 18-06-2018

Heard learned counsel for the petitioners and the respondent-State.

In view of the nature of order this Court intends to pass, it does not require issuance of notice to the private Respondent No.5.

The present Writ application has been filed for a direction to the respondent authorities, particularly Respondent No.4, the Circle Officer, Karakat to get the encroachment removed from the public land appertaining to Plot No.1406, Khata No.659, situated in Village-Gamharia, P.S.-Karakat, District-Rohtas. The



land in question is recorded as 'Garahi' in the name of 'Anabad Sarvsadharan', but the same has been encroached upon by Respondent No.5.

It is submitted by learned counsel appearing on behalf of the petitioners that for removal of encroachment from the land in question, Petitioner no.1 made a representation on 10.07.2013, as contained in Annexure-1, before the Respondent No.4, Circle Officer, Karakat, whereupon, the Circle Officer called for a report from the Halka Karmchari, which was submitted on the same day i.e. 20.07.2013, as contained in Annexure-1/A suggesting the encroachment over the land in question, but no action has been taken. Hence, the petitioner no.1 made representation again on 25.11.2014, as contained in Annexure-2, before Respondent No.4, Circle Officer, Karakat, whereupon, the Circle Officer again called for a report from the Halka Karmchari and the Anchal Amin. In pursuance to the same, the Halka Karmchari and the Anchal Amin submitted the report, as contained in Annexures-3 and 3/A, supporting the allegation of the petitioner no.1 to be true. The report of the Anchal Amin also suggests that Encroachment Case No.7 of 2015-16 has been initiated, after filing of appeal before the First Appellate Authority, Rohtas, but the same has not been taken to



its logical conclusion till date despite the specific order of the District Magistrate-cum-the Second Appellate Authority, Rohtas, as contained in Annexure-7 to get the encroachment proceeding concluded within a period of 15 days. Hence, the present writ application.

It is submitted by learned SC-25 that at present he is not having any instruction whether the Encroachment Case No.7 of 2015-16 has been concluded or not, but if it has not been concluded, the same will be concluded within a time frame.

Having heard learned counsel for the parties, it appears that though an encroachment proceeding has been initiated, but there is nothing on record to suggest that it has been taken to its logical conclusion. Though, under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), no time frame has been stipulated for getting the encroachment proceeding concluded, but it does not mean that the Collector under the Act, can keep it pending for an indefinite period.

In the present case, it appears that the Respondent No.4, the Circle Officer, Karakat of his own initiated a proceeding under the Act and despite the order passed by the Second Appellate Authority-cum-District Magistrate, Rohtas,



under the Public Grievance Redressal Act, as contained in Annexure-7, the proceeding of Encroachment Case No.07 of 2015-16 has not been concluded as yet.

In the circumstances, Respondent No.4, the Circle Officer, Karakat, is expected to conclude the proceeding of Encroachment Case No.07 of 2015-16 by taking the same proceeding to its logical conclusion within a period of three months, after giving due notice of hearing to all the affected persons, including Respondent No.5 and the petitioners.

The Writ application is, accordingly, disposed of with the aforementioned observation and direction.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

