

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12774 of 2018

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Hare Ram, son of late Munna Rai, R/o Village Mohania, P.S.-Shivsagar,
District-Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Rohtas at Sasaram
2. Additional Collector, Rohtas at Sasaram
3. Superintendent of Police, Rohtas at Sasaram
4. The Deputy Collector of Land Reforms, Rohtas at Sasaram
5. The Sub-divisional Officer, Rohtas at Sasaram
6. Sub-Divisional Public Grievance Redressal Officer, Sasaram at Rohtas
7. Public Grievance Redressal Officer, (Lok Shikayat NiwaRAN Padadhikari)
Sasaram (Rohtas)
8. Anchaladhikari, Shivsagar, Rohtas at Sasaram
9. S.H.O. of Shivsagar Police Station, Rohtas at Sasaram
- 10 Sharma Kumhar
11. Birendra Kumhar
12. Ramladdu Kumhar,

Respondent Nos. 10 to 12 are sons of Munni Kumhar, resident of Village
-Mohania, P.S.-Shivsagar, District - Rohtas at Sasaram

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 12-07-2018

Heard, learned Counsels for the petitioner and the

State.

The present writ application has been filed for a

direction to the respondent authorities to get the encroachment



removed from the government land appertaining to Khata No.133, Plot No.1418, Thana No.423, situated in Mauza-Mohania, District-Rohtas at Sasaram. The nature of land is recorded as 'Anawad Sarwa Sadharan Gawahi'.

In view of the nature of order this Court intends to pass, this Court is not inclined to issue notice to Private Respondent Nos.10 to 12 or to adjourn the matter any further for filing counter affidavit.

It is submitted by learned counsel for the petitioner that the land in question is recorded in the Khatiyan as 'Anawad Sarwa Sadharan Gawahi', but the same has been encroached upon by Private Respondent Nos. 10 to 12. It is further submitted that in pursuance to a complaint made by the petitioner before Respondent No.6, Sub-Divisional Public Grievance Redressal Officer, Sasaram at Rohtas, a report was called from the Respondent No.8, the Circle Officer, Rohtas at Sasaram. Consequent, thereto, the Circle Officer, vide Letter No. 865, dated 01.09.2017, directed the Anchal Amin to measure the land in question and to submit a report. The Anchal Amin submitted the report after measuring the land in question, as contained in Annexure-1, which suggests that the land in question is a public land and the same has been encroached



upon by the Private Respondent Nos. 10 to 12 by obstructing the right of way of the petitioner. Consequently, Encroachment Case No.7 of 2017-18 has been initiated with regard to the land/road in question, but till date, neither it same has been taken to its logical conclusion nor the encroachment has been removed from the land in question. Hence, the present writ application.

Learned counsel for the State submits that, at present, he is not having any instruction whether the land in question is a public road/land or Encroachment Case No.7 of 2017-18 with regard to the said land, has been concluded or not. However, he submits that if encroachment proceeding has not been concluded till date, it will be taken to its logical conclusion within a time frame.

This Court finds substance in the submission of learned Counsel for the State.

In the circumstances, the Respondent No.8, the Circle Officer, Shivsagar is expected to take the proceeding of Encroachment Case No.7 of 2017-18 to its logical conclusion within a period of two months, if it has not been concluded as yet, after giving due opportunity of hearing to all the affected persons, including the Respondent Nos. 10 to 12 and the petitioner, in accordance with the provision of the Bihar Public



Land Encroachment Act, 1956.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

