

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14168 of 2018

Shahana Khatun, Wife of Md. Nasarul Hak, Resident of Village- Choraut
Tole Mosidha, P.O.- Choraut, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub Divisional Officer, Pupri, District- Sitamarhi.
4. The Circle Officer, Choraut, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Garg, Adv. Mr. Sanjiv Kumar Patham, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 27-07-2018

Heard Mr. Ashok Kumar Garg, learned Counsel appearing on behalf of the petitioner and Mr. Raj Kishore Roy, learned GP-18, appearing on behalf of the respondent-State.

The present writ application has been filed for a direction to the respondent authorities to get the Encroachment Case No.04 of 2017-18 concluded, pending before the Respondent No.4, the Circle Officer, Choraut.

It is submitted by, learned Counsel appearing on behalf of the petitioner that the land appertaining to Plot No.4420, Khata Nos.5356 and 5357, situated in Village – Choraut Tole Mosidha, Block-Pupri, District- Sitamarhi, is a public land, but the same has been encroached upon. Though Encroachment Case No.04 of 2017-18 has been initiated, but it



has not been taken to its logical conclusion. The petitioner submitted a representation on 23.01.2017, before the Respondent No.3, the Circle Officer, Pupri, as contained in Annexure-1 with a request to get the encroachment removed from the land in question, but the grievance of the petitioner has not been redressed, then the petitioner submitted a representation before the Sub-Divisional Public Grievance Redressal Officer, Pupri, whereupon, the Sub-Divisional Public Grievance Redressal Officer directed the Circle Officer vide order dated 19.07.2017, as contained in Annexure-2 to take appropriate action in that regard within fifteen days. But the Circle Officer did not take any action, then the petitioner preferred appeal before the Additional Collector (Public Grievance Redressal), Sitamarhi, who vide order dated 09.11.2017, directed the Circle Officer to get the encroachment removed from the land in question, which gets reflected from Annexure3. Thereafter, the Circle Officer initiated the above-mentioned encroachment proceeding under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') and issued notices to the encroachers. But the encroachment has still not been removed from the land in question. Hence, the present writ



application.

It is submitted by learned GP-18 that, at present, he is not having any instruction whether Encroachment Case No.4 of 2017-18, has been concluded or not, or whether the encroachment from the land in question has been removed or not.

In the circumstances, the Respondent No.4, the Circle Officer, Choraut is expected to get the Encroachment Case No.07 of 2017-18 to its logical conclusion, within a period of two months, provided that it has not been concluded, after giving due opportunity of hearing to all the affected persons, including the petitioner in accordance with the provision of the Act.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

