

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16298 of 2018

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1. Bihari Bhagat, Son of late Kashi Bhagat
 2. Raju Bhagat@ Raju Kumar, Son of late Gena Bhagat @ Binod Bhagat
 3. Vijay Bhagat, Son of late Kashi Bhagat, All are Resident of Village-Firojpur, P.O.- Dholahi, Kaithal, P.S.- Amnour, Distt.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Collector, Saran.
3. The D.C.L.R. (Deputy Collector), Marhawah, Saran.
4. The Block Development Officer, Amnour, Saran.
5. The Officer-in-Charge, Amnour Police Station, Saran.
6. Basudeo Bhagat, Son of late Jagnath Bhagat All are resident of Village-Firojpur, P.O.- Dholahi, Kaithal, P.S. Amnour, Distt.- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Adv.
For the Respondent/s : Md.Khurshid Alam -AAG 12

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 20-08-2018

Heard Mr. Pankaj Kumar Singh, learned counsel for the petitioner and Mr. Majid Mehboob Khan, learned AC to AAG 12 for the respondent-State.

Learned counsel for the petitioner is permitted to implead the Circle Officer, Amnour, as party respondent.

Though, the present writ application was registered on 14.08.2018, but 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. 6.



The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the public land, appertaining to Survey Plot Nos. 229 and 247, Thana No. 165, situated in Village Firojpur, District Saran.

It is submitted by learned counsel for the petitioners that the land in question is a public land and it is being used as an approach road to the houses of the petitioners, situated over the land, appertaining to Plot No. 245, but the same has been encroached upon by private Respondent No. 6.

Though earlier one Basudeo Bhagat came to this Court in C.W.J.C. No. 17866 of 2016 with a prayer for a direction to the respondent authorities to get the encroachment removed from the land, appertaining to 229, situated in Village Firozpur, P.S. Amnaur, District Saran, wherein petitioners of this case were Respondent Nos. 7 to 9. Consequently, notice dated 08.05.2018 has been issued to the petitioner nos. 1 and 2, under the signature of Circle Officer, Amnaur, as contained in Annexure-1, whereby they were directed to remove the encroachment from the land appertaining to Plot No. 241, situated in Village Firojpur, which is a public road.



The contention of the petitioner is that the Survey Plot No. 229 and 247 are also the public land and the same have also been encroached upon by private Respondent No.6, but in Encroachment Case No. 01 of 2014-15, in spite of the fact that the petitioners have submitted a show cause, from the said area in question, encroachment made by others have not been removed. Hence, the present writ application.

Learned AC to AAG-12 submits that at present he has no instruction, but as per claim of the petitioners, if the land appertaining to S. Plot Nos. 229 and 247 is a public land and same has been encroached upon, then a proceeding under the Bihar Public Land Encroachment Act, 1956 will be initiated and such proceeding will be taken to its logical conclusion within time frame.

Considering the rival submissions of the parties, it is expected from the petitioners to submit a detailed representation before the Circle Officer, Amnour, whereupon the Circle Officer, Amnour is expected to examine the Revenue Records, and if need be, conduct spot verification and measure the land in question afresh, whereupon, if it appears to him that the land in question is a public land/road and the same has been encroached upon, then he will initiate a proceeding forthwith, if it has already not been initiated as yet, and will take such proceeding to its logical



conclusion within a period of three months from its initiation, after giving due notice to all affected persons, including the petitioner and private Respondent No. 6, in accordance with the provisions of the Act.

Accordingly, with the above observations and directions, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	/...../2018
Transmission Date	

