

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8731 of 2018**

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Bhubneshwar Singh, Son of Late Kripanand Singh, resident of Village+ Post Office- Lahagdumaria, Police Station- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Bhojpur, Arrah.
2. The District Collector, Bhojpur, Arrah.
3. The Sub Divisional Officer, Jagdishpur, District- Bhojpur.
4. The Circle Officer, Shahpur, District- Bhojpur.
5. The Sub Divisional Public Grievance Redressal Officer, Jagdishpur, District- Bhojpur.
6. Bablu Yadav, son of Mahendra Yadav.
7. Satyendra Yadav, Son of Ramadhar Yadav.
8. Shri Bhagwan Yadav.
9. Shri Ram Yadav. Both Sons of Late Jay Govind Yadav. null
10. Baidyanath Yadav, Son of Late Badri Yadav.
11. Saryu Yadav, Son of Late Chapit Yadav. All Respondents no. 6 to 11 resident of Village+ Post Office- Lahangdumaria, Police Station- Bihiya, District Bhojpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Arjun Prasad Singh, Adv.  
For the Respondent/s : Mr. Subhash Chandra Yadav -GP-15

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 18-06-2018**

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 get the encroachment  
removed from the public road appertaining to P.S. No.91, R.S.  
Plot No.1662, situated in Village-Lahangdumaria, P.S.-Bihiya,  
District-Bhojpur, which has been encroached upon by  
Respondent Nos. 6 to 11.



The writ application was registered on 03.05.2018, but no counter affidavit has been filed, moreover, 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 nos. 6 to 11.

It is submitted by learned counsel for the petitioner that seventy two villagers of the village-Lahangdumaria, including the petitioner, made public representation on 17.06.2016, as contained in Annexure-1, before Respondent no.5, the Sub-Divisional Public Grievance Redressal Officer, Jagdishpur, Bhojpur for removal of encroachment from the land in question. The petitioner and the villagers also personally met the Respondent no.2, the Collector, Bhojpur, Respondent no.3, the Sub-Divisional Officer, Jagdishpur and Respondent no.4, the Circle Officer, Shahpur and requested them to get measurement of the land in question done, in presence of both the parties, but till date no action has been taken. Hence, the present writ application.

It is submitted by learned GP-15 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 Bihar Public Land Encroachment Act,1956 (hereinafter referred to as '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.

Having heard learned counsels for the parties, the sine qua non for initiating a proceeding for removal of encroachment is prescribed under Section 3 of the Act which stipulates that if it appears to the Collector under the Act from an application made by any person or upon information received from any sources that any person has made or is responsible for the continuance of any encroachment upon any public land, he will initiate a proceeding under the Act by issuing notice.

The petitioner claims to have submitted public petition before the Respondent no.5, the Sub-Divisional Public Grievance Redressal Officer, Jagdishpur, Bhojpur for removal of encroachment from the land in question, on 17.06.2016, as contained in Annexure-1, but there is nothing on record to suggest that any proceeding has been initiated till date or any effort has been taken to come to the finding whether the land in question is a public land.

In the circumstances, the petitioner is permitted to submit a representation before Respondent no.4, the Circle Officer,



Shahpur, Bhojpur within a period of three weeks, whereupon, the Circle Officer will examine the revenue records and if need be make spot verification, whereupon, if he finds 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. It is further expected from the Respondent no.4, the Circle Officer, Shahpur to take such proceeding to its logical conclusion within a period of three months, by giving due opportunity of hearing to all affected persons including Respondent nos. 6 to 11 in accordance with the provisions of the Act.

The Writ application is, accordingly, disposed of with the observation aforesaid.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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