

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.404 of 2018

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Ajit Kumar Singh s/o Shri Kedarnath Singh r/o House No. 58 D, Mohalla
S.K. Puri, P.S. S.K. Puri, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Khagaria.
2. The Collector, Khagaria.
3. Superintendent of Police, Khagaria.
4. Sub-Divisional Office, Khagaria.
5. Circle Office, Allouli, Khagaria.
6. Station House Officer, P.S. Allouli.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh, Adv.

For the Respondent/s : Ms. Sanghmitra Ghosh, AC to GP15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 16-07-2018

Heard learned counsels for the petitioner and the respondents.

The present writ application has been filed for a direction to the respondent authorities to remove the encroachment by demolishing the illegal construction made over the Raiyati land of the petitioner, appertaining to Khata No. 144, Plot No. 846, situated in Mauza – Budhwa Parrari, District – Khagaria.

It is submitted by learned counsel for the petitioner that the land in question is Raiyati land of the petitioner and the petitioner has been paying rent regularly to the State of Bihar.



Several persons, namely, Kailash Singh, Devdutt Singh, Ram Bilas Singh and some unknown persons have tried to encroach upon the land of the petitioner and to disturb the peaceful possession of the petitioner over the said land, for which, a proceeding under Section 107 of the Cr.P.C. was initiated vide Case No. 646(M) of 2017, which was decided in favour of the petitioner. Again in the month of June 2017, some unknown persons encroached some part of the said petitioner's land by erecting twelve hutments. Consequently, the petitioner submitted an application before the local police in this regard on 13.06.2017, as contained in Annexure-2. In pursuance to the application of the petitioner, the police inspected the land in question and directed the encroachers to remove the encroachment. On 05.07.2017, the encroachers again made another attempt to encroach the land of the petitioner by erecting hutments over the same, whereupon, the petitioner submitted an application to that effect on 06.07.2017, as contained in Annexure-3, before the Respondent No. 5, the Circle Officer, Allouli. Thereafter, the Revenue Karamchari submitted a report dated 14.07.2017, after conducting an inquiry with regard to the encroachment over the land in question, to the Circle Officer, suggesting the names of thirty one persons who



have encroached the land of the petitioner. But the Circle Officer did not take any action, however, a report was submitted by him, vide Letter No. 1146 dated 17.07.2017 to the Respondent No. 4, S.D.O. Khagaria, as contained in Annexure-5, recommending initiation of action under Sections 107 of the Cr.P.C, but no action was taken in that regard. The petitioner, thereafter represented before the SDM, Khagaria along with the report of the Halka Karamchari, on 29.07.2017, as contained in Annexure-6, whereupon, a proceeding under Section 107 Cr.P.C. was initiated vide Case No. 859(M) of 2017. Subsequently, the SDM, Khagaria, vide order dated 01.08.2017, directed the Circle Officer to conduct an inquiry on the application of the petitioner, as contained in Annexure-8. But till date, encroachment has not been removed from the land in question. Hence, the present writ application.

It is submitted by learned AC to GP-15 that, at present, she is not having any instruction whether the encroachment has been removed from the land of the petitioner or not. But if the petitioner submits a proper representation, his grievance may be redressed in accordance with law within a stipulated time frame.

Considering the rival submissions of the parties and



the material available on records, it appears that there is no dispute to the effect that the petitioner is the owner of the land in question and the hutments have been erected over his land by certain persons.

In the circumstances, the petitioner is at liberty to file a representation before the concerned Respondent No.2, the District Magistrate, Respondent No.3, the Superintendent of Police, Respondent No.4, Sub Divisional Officer and the Respondent No.5, the Circle Officer. Upon filing of such application, the officer concerned is expected to consider the grievance of the petitioner and to dispose of the application within a period of three months by taking appropriate action in accordance with law.

According, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

