

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11594 of 2018

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Ram Naresh Sah, Son of Late Shankar Sah, Resident of Village- Vrindavan
Malahi Tola, P.s.- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar, through District Magistrate, Gopalganj.
2. The Addl. Collector-Cum-First Appellate Authority, Gopalganj.
3. The Sub-Divisional Officer-Cum-Sub Divisional, Public-Grievance
Readdressal Officer, Gopalganj.
4. The Circle Officer, Thawe Circle, Thawe, District-Gopalganj.
5. Ram Pukar Sah, Son of Late Devraj Sah,
6. Lal Babu Sah, son of Late Ramayan Sah,
7. Gorakh Sah, Son of Late Maharaj Sah, Serial No. 5 to 7 are Resident of
Village- Vrindvan, P.S. Uchkagaon, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhramveer, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 27-06-2018

Heard Mr. Dhramveer, learned counsel for the
petitioner and Mr. Salid Salim Khan, learned SC-25 for the
respondent-State.

In view of the nature of order this Court intends to pass,
this Court is not inclined either to adjourn the matter any further or
to issue notice to private Respondent Nos. 5 to 7.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment



removed from the public road/land, appertaining to Khata No.50, Survey No.646, situated in Mauza Vrindavan, P.S. Uchkagaon, District Gopalganj.

It is submitted by the learned counsel for the petitioner that the land in question is a public land/road which has been used by the public at large and adjacent to the land in question there is rayaiti land of the petitioner but the land in question has been encroachment upon by private Respondents Nos. 5 to 7, as a result of which the communication of the petitioner from his raiyati land has been blocked.

For removal of the encroachment from the land in question, the petitioner had submitted a representation before the Respondent No.4, the Circle Officer, Thawe on 12.06.2017, as contained in Annexure-1, but when no action was taken then representation was submitted before Sub-Divisional Public Grievance Redressal Officer, Gopalganj, Respondent No.3 on 17.10.2017 as contained in Annexure-2. It appears from the order dated 21.12.2017 that a proceeding, vide Encroachment Case No. 08 of 2017/18 has already been initiated and Respondent No. 3 has directed the Circle Officer to concluded the said proceeding within a period of two months, but till date the proceeding has not been concluded. Hence the present writ application.



Mr. Sajid Salim Khan, learned SC-25 submits that since Encroachment Case No.07 of 2017/18 has already been initiated, a direction may be issued to Respondent No.4, Circle Officer, Thawe, to conclude the said proceeding within a time frame.

Having learned counsel for the parties, since encroachment proceeding being Encroachment Case No. 07 of 2017/18 has already been initiated, it is expected from Respondent No. 4, Circle Officer, Thawe to take such proceeding to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order after giving due opportunity of hearing to all affected persons including the petitioner and private Respondent Nos. 5 to 7, in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956.

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	09.07.2018
Transmission Date	

