

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10558 of 2018

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Sunil Pandey, Son of Late Ram Vechan Pandey, Resident of Village-
Rustampur, P.O.- Rustampur, P.S.- Hulasganj, District - Jahanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
2. The Director, Rural Development Department, Govt. of Bihar, Patna.
3. The District Magistrate, District- Jahanabad.
4. The Superintendent of Police, District- Jahanabad.
5. The Sub Divisional Officer, Jahanabad.
6. Circle Officer, Hulasganj, District- Jahanabad.
7. Muneshwar Prasad @ Muneshwar Prasad Singh, Son of late Chhotu Prasad Singh, resident of Village- Rustampur, P.O.- Rustampur, P.S.- Hulasganj, District- Jahanabad.
8. Sunil Prasad @ Sunil Prasad Singh, Son of Late Rama Mahto, Resident of Village- Rustampur, P.O.- Rustampur, P.S.- Hulasganj, District- Jahanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shree Nivas Madhuvan
For the Respondent/s : Mr. Vinay Pandey, AC to GA 2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-06-2018

Heard learned counsels for the parties.

Since the writ application was filed 23.5.2018 and till date no counter affidavit has been filed, this Court is not inclined to adjourn the matter.

The nature of order this court intends to pass, does not require issuance of notice to respondent nos. 7 and 8.

The present writ application has been filed for a direction to the respondent authorities to remove the encroachment from the land appertaining to Khata No. 236, Plot Nos. 1901 and 1973, situated in village Rustampur, P.S.



Hulasganj, District – Jahanabad as the same is being used as public road.

It is submitted by learned counsel for the petitioner that the land in question is a public road and the same has been encroached upon particularly by Respondent nos. 7 and 8. Learned Counsel has also drawn my attention towards the order dated 12.4.2018 passed in CWJC No. 3022 of 2018, which was preferred by Muneshwar Prasad alias Muneshwar Prasad Singh making the petitioner and Anil Pandey as party respondent, wherein the Respondent no. 6, Circle Officer, Hulasganj was directed to examine the revenue records and if it appears to him that there is encroachment on the public land appertaining to Khata No. 236, Plot No. 1901 then he will initiate a proceeding under the Bihar Public Land Encroachment Act (hereinafter referred to as the 'Act') and to take the same to its logical end after giving due opportunity of hearing to all affected persons in accordance with the provisions of the Act.

In the circumstances, the petitioner is permitted to submit a representation before the Respondent no.6, Circle Officer, Hulasganj within a period of two weeks from the date of receipt/production of a copy of this order, whereupon the Respondent no.6, Circle Officer, Hulasganj will examine the



revenue records and if a proceeding has already been initiated with regard to Plot No. 1901, then he will include the land in question, if it is a public land, which appears to be adjacent to each other, in the said proceeding and thereafter take the proceedings to its logical end within a period of three months thereafter, after giving due opportunity of hearing to all affected persons including the petitioner and Respondent nos. 7 and 8 in accordance with the provisions of the Act.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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