

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13537 of 2018

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Sharwan Kumar, Son of Ram Rekh Mandal, Resident of Village-Dainy Khon,
Police Station-Baheri, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development
Department, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga
3. The Sub-Divisional Public Grievance Redressal Officer, Darbhanga Sadar,
District-Darbhanga.
4. The Anchal Adhikari, Baheri, P.S.-Baheri, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Prasad, Mr. Dheeraj Kumar, Adv.
For the Respondent/s	:	Mr. Vikash Kumar, SC 11 Mr. Rewti Kant Raman, AC to SC 11

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 16-07-2018

Heard Mr. Ashok Kumar Prasad, learned counsel for
the petitioner and Mr. Rewti Kant Raman, learned AC to SC 11 for
the respondent-State.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment
removed from the land, appertaining to Khata No. 605, Plot Nos.



8007, 8008 and 8009, situated in Village-Dainy Khon (Havidih South), Block Baheri, District Darbhanga.

It is submitted by learned counsel for the petitioner that over the land in question, the building of a Primary School is situated and a portion of the said land has been encroached upon by constructing residential houses. Though, on the application made by the petitioner, Encroachment Case No. 01 of 2017-18 has been initiated for removal of the encroachment from the land in question, but the encroachment has not been removed from the land in question, hence, the petitioner moved Respondent No.3, the Sub-Divisional Public Grievance Redressal Authority, who vide order dated 24.10.2016, passed in Complaint No. 513110117081600807, directed Respondent No. 4, the Circle Officer, Baheri for getting the encroachment removed from the land in question. The said order was challenged before First Appellate Authority-cum-District Public Grievance Officer, Darbhanga, who vide order dated 24.01.2017 upheld the order of the Sub-Divisional Public Grievance Redressal Authority and consequently, the second appeal was filed before the District Magistrate-cum-Second Appellant Authority, who vide order dated 06.06.2017, passed in Case No. 41311-06700, directed Respondent No.4, the Circle Officer, Baheri to allot the land in question to the



school in question after getting the encroachment removed. Hence, the present writ application.

Learned AC to SC 11 submits that at present, he is not having any instruction, whether the encroachment Case No. 01 of 2017-18 has been concluded or not but if the proceeding of Encroachment Case No. 01 of 2017-18 has not been concluded till date, the same will be taken to its logical conclusion within a time frame.

Having heard learned counsel for the parties, since the petitioner is a private person and he has no concern with the school in question and the school in question has not come against the encroachment, moreover, a proper proceeding has been initiated under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), this Court is not inclined to interfere into the matter.

However, it is expected from Respondent No. 4, the Circle Officer, Baheri to take the proceeding of Encroachment Case No. 01 of 2017-18 to its logical conclusion forthwith, if it has already not been concluded till date, after giving due opportunity of the hearing to all affected persons including the petitioner, in accordance with the provisions of the Act.



It is made clear that this Court is not expressed any opinion with regard to nature of land in question.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

