

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5278 of 2019

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Ram Niwas Tiwari, aged about 59 Years (Mle), Son of Parshuram Tiwari,
Resident of Village Dharhra P.S. Durgawati District Kaimur at Bhabua.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar.
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Kaimur at Bhabua.
4. The Land Reform Deputy Collector, Mohania, Kaimur at Bhabua.
5. The Sub-Divisional Officer, Mohania, Kaimur at Bhabua.
6. Circle Officer, Durgawati, Kaimur at Bhabua.
7. Radheshyam Tiwari, Son of Late Shivnandan Twari, Resident of Village Dharhara, P.S. Durgawati, District-Kaimur at Bhabua.
8. Shashi Kant Twari, Son of Late Shivnandan Tiwari, Resident of Village Dharhara P.S. Durgawati, District-Kaimur at Bhabua.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Uday Pratap Singh, Advocate.
For the Respondents : Mr. Rakesh Kumar Shrivastava, A.C. to G.P. 15.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The following reliefs have been sought for on behalf
of the petitioner, in the present writ application.

“1 (I) For issuance of writ in the nature of Mandamus or any other appropriate writ/direction to the respondent particularly respondent nos. 7 to 8 to remove the encroachment made on Mauza-Dharhara, Thana No. 53, Khata No.126, Khesra No. 268, Area- 0.08 Decimal respectively in Block-Durgawati, District-Kaimur at Bhabua. The land in question is Aam Public



Road and encroached by the respondent nos. 7 to 8.

(ii) For issuance of writ in the nature of Mandamus or any other appropriate writ/direction to the respondents to start the encroachment case on the basis of application of petitioner (Annexure-1 series) dated 31.12.2015, 13.06.2016 and 02.03.2017 before the Circle Officer, Mohania and District Magistrate, Kaimur at Bhabua.”

It is submitted by learned counsel for the petitioner that the petitioner had filed an application under The Bihar Right to Public Grievance Redressal Act, 2015 before the Public Grievance Redressal Officer, Mohania, Bhabua at Kaimur for removal of encroachment upon the public land. The Public Grievance Redressal Officer, Mohania, Bhabua at Kaimur, passed an order dated 26.05.2017 directing the Circle Officer to initiate a proceeding in respect of removal of encroachment made on the public land, vide Annexure-3 series to the present writ application. In spite of that, no action has been taken on the part of the respondent no. 6 i.e. The Circle Officer, Durgawati, Kaimur at Bhabua.

Considering the aforesaid facts and circumstances, the respondent no. 6 i.e. The Circle Officer, Durgawati, Kaimur at Bhabua, is directed to initiate a proceeding under Bihar Public Land Encroachment Act in light of the order dated 26.05.2017



passed by the Public Grievance Redressal Officer, Mohania, Kaimur at Bhabua, vide Annexure-3 to the present writ application. The respondent no. 6 i.e., The Circle Officer, Durgawati, Kaimur at Bhabua, shall ensure that prior to passing final order under Section 6 of the Bihar Public Land Encroachment Act, compliance of Sections 3, 4 and 5 of the Act has been made after giving an adequate opportunity of hearing to all concerned parties.

With the aforesaid observations and directions, the present writ application stands disposed of.

(Sudhir Singh, J)

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