

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10460 of 2019

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Ramawati Devi, Wife of Late Amar Singh, Resident of Village- Cherotola
Sangwa Dih, P.O.- Bodha Chhapar, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Officer - cum- District Magistrate, Gopalganj.
3. The Sub- Divisional Officer, District- Gopalganj.
4. The Deputy Collector Land Reforms, District- Gopalganj.
5. The Circle Officer Kuchaikote, District- Gopalganj.
6. Sikandar Singh, Son of Late Laxmi Singh, Resident of Village- Sangwa Dih, P.O.- Bodha Chhapar, P.S.- Gopalganj, Anchal- Kuchaikote, District- Gopalganj.
7. Gaya Bhagat, Son of Ramsewak Singh, Resident of Village- Sangwa Dih, P.O.- Bodha Chhapar, P.S.- Gopalganj, Anchal- Kuchaikote, District- Gopalganj.
8. Sadhu Singh, Son of Late Prithwi Singh, Resident of Village- Sangwa Dih, P.O.- Bodha Chhapar, P.S.- Gopalganj, Anchal- Kuchaikote, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Upendra Yadav, Advocate
For the Respondent/s : Mr. Subash Chandra Yadav (Gp15)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-05-2019 Heard learned counsel for the petitioners and the

State.

2. From different Annexures enclosed with the writ application, it appears that the Circle Officer has issued notice to the encroachers for removal of encroachment. There are documents on record to indicate that the Sub-Divisional Officer, Gopalganj has also issued direction to the Circle Officer,



Kuchaikote to take appropriate action in connection with removal of encroachment.

3. Learned counsel for the petitioner submits that the Sub-Divisional Officer, Gopalganj has issued letter on 06.11.2017 prior there to the Circle Officer, Kuchaikote has issued notice for removal of encroachment on 24.10.2017, but the Circle Officer is sitting tight over the matter and till date encroachment has not been removed.

4. The Circle Officer has obligation under the Bihar Public Land Encroachment Act to give notice to the encroachers and after hearing all concerned decide the issue whether the land is public land and whether there exist encroachment over public land and if he arrives at a conclusion that there exist encroachment over the public land, it is the solemn duty of the Circle Officer to take steps for removal of encroachment from the public land.

5. Since the matter is pending since last two years and the Circle Officer, Kuchaikote has not passed any order for removal of encroachment, the Court is constrained to direct the Circle Officer, Kuchaikote to register a regular case under the Bihar Public Land Encroachment Act and after opportunity of hearing to the alleged encroachers pass appropriate order for



removal of encroachment at the earliest preferably within a period of six months from the date of receipt/production of a copy of this order.

6. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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