

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17025 of 2019

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Ram Narayan Singh, aged about 41 years, (Male), S/o Harihar Nath Singh
Resident of Village Takiya, Ward No.1, PO Takiya Bazar, P.S. Sasaram
(Nagar), Dist.Rohtas (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna (Bihar)
2. The Commissioner, Patna Pramandal, Patna (Bihar)
3. The District Magistrate, Dist Rohtas (Bihar)
4. The Sub Divisional Officer, Sub Division-Sasaram,Rohtas (Bihar)
5. The Circle Officer, Circle-Sasaram,Dist.Rohtas (Bihar)
6. The Executive Officer, Municipality-Sasaram, Rohtas (Bihar)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ful Man Singh, Adv.
For the State	:	Mr. Majid M. Khan, AC to AAG12
For the Nagar Parishad, Sasaram	:	Mr. Vijay Shankar Upadhaya, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 27-08-2019

Heard learned counsel for the parties.

In this case, the petitioner has raised an issue for removal of the encroachment from Plot Nos. 36, 37 and 38, Rakwa 3020 decimal located in Village Takiya, Ward No. 1, Circle Sasaram, District Rohtas, Bihar.

In this writ application, it has been stated that there is a water-body over the aforesaid land but, the unauthorized persons are gradually grabbing the land and changing the topography of



that area. It has been submitted that they are constructing Pucca structure over the encroached land and one day will come when the water-body itself will be extinguished. He has also brought to the notice of the District Magistrate the order passed in C.W.J.C. No. 13014 of 2014 in which direction has been given to protect the water-body spreading in the entire State of Bihar but, even then they are making construction and changing the entire scene of that area.

The petitioner has submitted that the information was reported in different newspapers but, no positive action has been taken by the Authority concerned.

Inasmuch as, one writ application was filed being C.W.J.C. No. 13014 of 2014 (Ram Narayan Singh Vs. The State of Bihar & Ors.) which was disposed of vide order dated 7.1.2015 with a direction that if the interest of the petitioner is to protect any government land from encroachment, he can make representation to the authority concerned. Accordingly, he approached the District Magistrate but, proved to be in vain.

Let the petitioner should file proper application before the Circle Officer, who is the Collector under the Bihar Public Land Encroachment Act, who will initiate a proceeding under the aforesaid Act, give notice to those who are going to be affected



and, after giving an opportunity of hearing, will pass orders in accordance with law. If it is found that the land, in question, has been encroached, they must be removed and the land will be brought to the original scene.

The entire process must be completed within a period of six months from the date of receipt/production of a copy of this order.

The Circle Officer will submit an action taken report to this Court for its perusal.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.09.2019
Transmission Date	

