

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.21470 of 2019**

=====

Dilip Thakur son of Chitranjan Thakur resident of Ward No. 8, Kamaldah Tola, Manik Chowk, P.S. and Anchal- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi, District- Sitamarhi.
4. The Sub- Divisional Officer, Sitamarhi Sadar, District- Sitamarhi.
5. The Circle Officer, Runnisaidpur, District- Sitamarhi.
6. The Station Head Officer, Runnisaidpur Police Station, District- Sitamarhi.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.  
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)**

2      18-11-2019                      Heard learned counsel for the petitioner and learned counsel for the State.

The prayer has been made through the present public interest application for a direction for removal of the encroachment from several plots of land as detailed in Para- 1(I) of the writ application which reads as:

“For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to remove the



encroachment over the land of Kamaldah Pokhar bearing Khata No.5193, Survey No.16795, area 0.66 decimals, Khata No.5195, Survey No.16759, area 1 decimals, Khata No.5194, Survey no.16797/28823 area 3 acres, Survey No.7795/28822 area 6 acres, Survey No.28815 area 1 acre of Thana No.72, Mauza-Manik Chowk, situated under Runnisaidpur Circle of Sitamarhi District, which is Gairmazarua Land and the said Pokhar is being used by the public at large for the purposes of bathing and other holy purposes upon which illegally encroached by the encroachers for their personal use.”

Section-3 of the Bihar Public Land Encroachment Act, 1956 mandates the Circle Officer, the collector under the Act, to initiate a proceeding for removal of encroachment if it appears to him that public land has been encroached upon.

In the circumstances, we give liberty to the petitioner to file an application before the concerned Circle Officer in the District of Sitamarhi, within four weeks from today, whereupon the Circle Officer will examine the revenue records and, if need be, may visit the spot in question. Consequently, if it appears to him that the land in question is public land and the same has been encroached upon, he will initiate an encroachment proceeding and after giving due



notice to all concerned, shall take the proceeding to its logical conclusion within a period of three months of its initiation.

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

**(Sanjay Karol, CJ)**

**( Dinesh Kumar Singh, J)**

K.C.Jha/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

