

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18547 of 2019

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Uday Shankar Ram, Son of late Shiv Kumar Ram, R/o Vill- Salimpatti, P.O. Ekma, P.S. Manjhi, Distt. Saran, Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue and Land Reforms Deptt. Govt. of Bihar, Patna.
2. The DGP, Bihar, Patna.
3. The Land Reforms Commissioner, Bihar, Patna.
4. The District Magistrate, Saran, Chapra.
5. The Additional Collector, Saran, Chapra.
6. The Sub-Divisional Officer, Sadar Chapra.
7. The DCLR Sadar Chapra, Saran.
8. The Circle Officer, Manjhi Circle, Saran, Chapra.
9. The Circle Amin, Manjhi Circle Saran Chapra.
10. Sri Ram, Son of Chaturgun Ram, Resident of Vill- Salimpatti, P.S. Manjhi, Distt. Saran, Bihar.
11. Dularchand Ram, S/o Ghughali Ram, Resident of Vill- Salimpatti, P.S. Manjhi, Distt. Saran, Bihar.
12. Phuleshwar Ram, Son of Ghughali Ram, Resident of Vill- Salimpatti, P.S. Manjhi, Distt. Saran, Bihar.
13. Ramawatar Ram, Son of Ghughail Ram, Resident of Vill- Salimpatti, P.S. Manjhi, Distt. Saran, Bihar.
14. Ambika Ram, Son of Ramawatar Ram, Resident of Vill- Salimpatti, P.S. Manjhi, Distt. Saran, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Sharma
For the Respondent/s : Mr.Md. Khursid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 13-09-2019

1. The present writ petition has been filed for setting aside the order dated 29.01.2019 passed by the learned District Magistrate, Saran, Chapra in Public Grievance case



no. 417110116041800913/ 2A, Uday Shankar Ram vs. the Circle Officer Manjhi, Saran, whereby and whereunder the learned District Magistrate, Saran at Chapra has been pleased to drop the proceeding in light of letter no. 42 dated 21.01.2019 issued by the *Lok Pradhikar-cum-Anchal Adhikari*, Manjhi with respect to Encroachment case no. 5 of 2018-19.

The petitioner has also prayed for quashing of the order dated 21.01.2019 passed by the Circle Officer, Manjhi, Saran in Encroachment case no. 5 of 2018-19. The petitioner has also prayed for removal of the illegal encroachment made by the opposite party 2nd set over the public land bearing *Khata* no. 218, Survey no. 728, *Thana* no. 56, Mauza-Salimpatti, Circle-Manjhi, Dist- Saran (Bihar). It is the case of the petitioner that the land in question, situated at village-Salimpatti having *Khata* no. 218, Survey no. 728, in the district of Saran at Chapra, was a *Gairmazarua* land on which pond was also situated and out of the same, a piece of land admeasuring approx. 3 *katha* was carved out and settled in the name of the father of the petitioner by the concerned landlord, way back in the year 1945 on which the petitioner and his family members have been living.

2. It appears that the Sub-Divisional Officer, Sadar,



Chapra vide letter dated 21.01.2019 had written to the Deputy Collector, Land Reforms, Sadar, Chapra, upon an application having been made by the petitioner herein, to submit an inquiry report with regard to the allegation of the petitioner herein that Dularchandra Ram was trying to forcibly dispossess the petitioner from the land in his possession. The learned counsel for the petitioner has also referred to a letter dated 21.01.2019, whereby the Circle Officer, Manjhi at Saran has written to the Second Appellate Authority-cum-District Magistrate, Saran, Chapra that the entire encroachment has been removed in connection with Encroachment case no. 5 of 2018-19. It appears that the District Magistrate, Saran at Chapra by the impugned order dated 29.02.2019 has disposed off the aforesaid complaint made by the petitioner herein before the learned Court of Second Appellate Authority-cum-District Magistrate, Saran, Chapra, in view of the report of the Circle Officer, Manjhi dated 21.01.2019, whereby and whereunder he has reported that the entire encroachment, in connection with Encroachment case no. 5 of 2018-19, has been removed.

3. I have heard the learned counsel for the parties and perused the materials available on record. Admittedly, I find that the petitioner has failed to show any chit of paper to substantiate



his right, title and interest over the land in question. Moreover, the learned counsel for the petitioner has also failed to show any infirmity either in the order dated 29.01.2019 passed by the District Magistrate, Saran at Chapra or in the letter dated 21.01.2019 issued by the Circle Officer, Manjhi, Saran and in case, the petitioner is aggrieved by any order passed by the Circle Officer, Manjhi, Saran in the aforesaid Encroachment case no. 5 of 2018-19, the petitioner is free to file an appeal against the same in accordance with the provisions of the *Bihar Public Land Encroachment Act, 1956*.

4. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any merit in the present writ petition, hence the same is dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2019
Transmission Date	NA

