

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18059 of 2019

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Nirbhay Prashant S/o Bhagwan Dayal Tiwari, resident of village-Bhadwar
(Nawadih), P.S.-Bagen Gola, District-Buxar. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The District Education Officer, Buxar.
4. The Sub-Divisional Magistrate, Dumraon, Buxar.
5. The Circle Officer, Brahmpur, Buxar.
6. The Station House Officer, Bagen Gola Police Station, Buxar.
7. Baban Paswan, S/o Late Bansropan Paswan, resident of village-Bhadwar, PS-Bagen Gola, Buxar. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nirbhay Prashant (In Person)
For the Respondent/s : Smt. Shilpa Singh (GA 12)
Mr. Ranjan Kumar, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

2 03-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is submitting that the
land appertaining to khata no. 875, khesra no 629, area .30
decimal of Mauza Bhadwar, is the land of the State of Bihar.

3. As per the petitioner, .30 decimal of land was
allotted for construction of a school building, but that could not
be completed on account of encroachment made over the said
land by one Baban Paswan son of Late Bansropan Paswan. It



has further been submitted that for removing encroachment, the Circle Officer, Brahmpur had initiated a proceeding, vide Encroachment Case No.2/2008-09, wherein he found that the said land was under encroachment by the said person. Whereafter, a proceeding under section 144 Cr.PC. was also initiated and the Circle Officer, vide letter dated 26.02.2009, requested the Incharge of Bagen Gola Police Station, mentioning therein that Baban Paswan has encroached upon the government land which was required to be vacated. The details of the land has been given in the said letter. When the substantial action has not been taken, one Sheo Kumari Devi approached this Court in C.W.J.C. No.16025 of 2010, raising the same plea of encroachment and the Court disposed of the matter, giving liberty that if the encroachment is still subsisting, she was given liberty to approach the proper authority. Whereafter an application has been filed by one Shanti Tiwari on 25.11.2017 to the District Magistrate, Buxar bringing all facts to his notice and requested for removing encroachment. As per the petitioner, still the said land is in illegal possession of Mr. Baban Paswan and further submitted that construction of the school building has been made below lintel level, has not been completed on account of encroachment made over the said land by Baban



Paswan.

4. In such view of the matter, let the petitioner file a proper application before the Circle Officer, Brahmpur bringing all the facts to his notice and if such application is filed, the Circle Officer would initiate a proceeding of encroachment under the Bihar Public Land Encroachment Act and after giving notice to Mr. Baban Paswan and on hearing, would pass an appropriate order in accordance with law. While passing order, if it is found that the land in question is still in illegal possession of Mr. Baban Paswan, he should be evicted and land should be cleared. As has been stated, construction of school building has been below lintel level, the authority would complete the construction of the building of school, so that the educational activity be started. The Circle Officer would complete the entire process within a period of six months from the date of filing of the proper application.

5. With the above observation and direction, this petition is disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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