

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19574 of 2021

=====

Birendra Kumar Singh, S/o Late J.N. Singh, Secretary, Shoshan Mukta Bihar Abhiyan, R/o G-36, P.C. Colony, Kankarbagh, P.S. - Kankarbagh, Distt. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
2. The Secretary, Revenue and Land Reform Department, Govt. of Bihar at Patna.
3. The Addl. Secretary, Revenue and Land Reform Department, Govt. of Bihar at Patna.
4. The District Magistrate Cum Collector, Patna at Patna.
5. The Sub Divisional Public Complaint Redressal Officer, Danapur, Patna.
6. The D.C.L.R. Danapur, Patna.
7. The Circle Officer, Maner Block, Maner, Patna.
8. Shiv Kumar Rai, S/o Prem Rai, R/o Balu, PS Maner, Distt. - Patna.
9. Dev Kumar Rai, S/o Prem Rai, R/o Balu, P.S. - Maner, Distt. - Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 07-01-2022

Petitioner has prayed for the following reliefs(s):

“(i) To issue an appropriate writ (s) MANDAMUS in the nature to remove the encroachment forthwith made by private respondent no. 8 and 9 to public land



where well which was established by State Govt and the trees over the land having Thana no. 07, khata no. 278, kesra no. 1396, area 10 Dec.

(ii) To any other relief(S) for which petitioner are entitled for in the facts and circumstances of the case.”

It is brought to our notice that the petitioner has already taken recourse to the remedies provided under the Bihar Public Land Encroachment Act, 2006.

The matter for removal of encroachment by private respondents is pending consideration. Encroachment case is registered as Case No. 4 of 2020.

It is the petitioner’s contention that the concerned authority has not dealt with the matter with the speed and dispatch it ought to have exercised and is required, considering the fact that his private land allegedly stands encroached by the private respondent.

Well, we do not express any opinion on the petitioner’s contention, but find favour with the limited contention for issuance of a direction to the concerned officer to decide the said case on expeditious basis.

Ordered accordingly.

Petition is disposed of in the following terms:

(a) The petitioner shall make himself available before the concerned authority on 28.01.2022 on which date a



date shall be fixed for further hearing of the matter;

(b) Petitioner shall fully cooperate and not take any unnecessary adjournment;

(c) The said officer shall adjudicate the matter by passing a speaking order assigning reasons, within a period of six months thereafter;

(d) Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

(e) Liberty reserved to the petitioner to challenge the order, should the need so arise subsequently.

The petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.01.2022
Transmission Date	

