

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15763 of 2017

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Gulabo Devi Wife of late Ram Pravesh Singh, resident of Village- Shaharu
Dhanarua, P.S. Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Sub-Divisional Officer, Masaurhi, District- Patna.
3. The Deputy Collector of Land Reforms, Masaurhi, Patna.
4. The Circle Officer, Dhanarua, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha Mr. Bholu Kumar Mr. Ravi Shankar
For the Respondent/s	:	Mr. Subhash Chandra Yadav -Gp15 Mr. Siddharth Prasad Mr. Om Prakash Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 07-12-2023 Heard the parties.

2. The petitioner has challenged the notice dated 30.08.2017 by which a notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 has been issued in the name of the son of the petitioner in Encroachment Case No. 8 of 2017-2018.

3. Learned senior counsel for the petitioner has submitted that notice has been given in the name of One Nagendra Singh whereas the property belongs to his mother Gulabo Devi.

4. Learned counsel for the intervenor has submitted



that the petitioner is the encroachers and she has moved this Court in C.W.J.C. No. 788 of 2017 which was disposed of on 3.2.2017 and the following order was passed:-

Heard learned counsel for the petitioner and the State.

The petitioner has earlier approached this Court by filing CWJC No. 11408 of 2009 for removal of encroachment from public land of plot no. 374 appertaining to Khata No. 122, Thana No. 112 of mauza Shaharu, P.S. Dhanarua, District-Patna. The writ petition was disposed of granting liberty to the petitioner to file application for initiation of the proceeding under Bihar Public Land Encroachment Act. Accordingly, the petitioner moved before the authority under the Act and Encroachment Case No. 1/2009-2010 was initiated but unfortunately the same has remained pending till date as encroachment has not finally been removed despite notice was given to the encroachers.

The petitioner draws attention of this Court towards the report of the Circle Amin, as contained in Annexure-13 addressed to the Circle Officer, Dhanarua, Patna stating that measurement is not being done in view of the fact that the encroachers are obstructing the same and despite the request for help of the District Administration the same is not materialized till date.

In the aforesaid background of the matter, this Court would be inclined to dispose of this writ petition with a direction to the respondent no. 4, i.e., the Circle Officer, Dhanarua, Patna to ensure that the Encroachment Case No. 1/2009-2010 be brought to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order. If there is any hindrance caused by any of the parties he would be at liberty to take help of the District Administration.

It is made clear that no final order or final action of removal of encroachment should be taken before granting adequate opportunity to all the concerned including the petitioner, the encroachers and the private respondent No. 7.

5. I have considered the submissions of the parties.

6. Though, learned counsel for the petitioner submits that final order has been passed but taking into consideration



that the original land holder is the petitioner and not her son the Circle Officer, Dhanarua is directed to re-hear the Encroachment Case No. 1 of 2009-10 from the stage of notice and proceed in accordance with law after hearing all the concerned parties including the intervenor and dispose of the same within three months from the date of receipt/communication of a copy of this order. The Circle Officer is also directed to proceed ex-parte in the matter against the non-cooperating party.

7. The Encroachment Case No. 8 of 2017-18 shall be heard and disposed of along with Encroachment Case No. 1 of 2009-10.

8. With the aforesaid directions, this application is disposed of.

9. Let a copy of this order be communicated to the District Magistrate, Patna through FAX and e-Mail for its compliance forthwith.

(Sandeep Kumar, J)

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