

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14563 of 2022

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Surendra Prasad S/o Late Jagdish Prasad, R/o Kali Sthan, P.S.- Hilsa, District-
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The Chairman, Bihar School Examination Board, Bihar , Patna The District Magistrate, Nalanda.
4. The Circle Officer, Hilsa, District- Nalanda.
5. The Principal, Mahanth Vidyanand Inter College, Kali Sthan, Hilsa, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Awadhesh Kumar, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (AAG 12)
	:	Mr. Md. Ebadur Rahman Shakeb, AC to AAG 12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 25-07-2023

1. The present writ petition has been filed seeking the following reliefs:-

" (i) For implementation of order dated 06.06.2022, issued vide Memo no. 821 dated 06.06.2022 by the Circle Officer, Hilsa, in Encroachment case no. 02 of 2022-23, whereby direction was issued to the Administration for getting the encroachment removed on 25.06.2022, in pursuance to final order being passed under Section 6(e) (wrongly typed as 6(8) in the order dated



06.06.2022) of the Bihar Public Land Encroachment Act, 1956, yet the encroachment has not been removed till date.

(ii) For directing the respondent authorities to comply forthwith their own order dated 06.06.2022 and fix the accountability for the inaction, despite the specific order dated 06.06.2022 for removal of encroachment from part of land bearing Mauza-Hilsa, Thana no. 177, Khata no. 583, Khesra no. 188, admeasuring 17 decimal, which is recorded in the Survey Khatian in the name of Gair Mazarua Aam Mahadev forthwith, which they have neglected.

(iii) For fixing the accountability for such inaction in removal of the encroachment from the Government land detailed above and for taking action against such erring officials in accordance with the process of law.

(iv) For directing the respondent no. 3 i.e. the Chairman, Bihar School Examination Board to take appropriate action against the respondent no. 5 and stop providing financial aid/ derecognise the respondent college, on the ground that they have established the College on a Government land and have been refusing to comply with the final order passed in Land Encroachment case no. 02/2022-23.”



2. The learned counsel for the respondents had, on the earlier occasion, sought time for doing the needful, inasmuch as the matter in question is sensitive and there is risk of flaring-up of law and order problem, however, today a supplementary counter affidavit has been filed on behalf of District Magistrate, Nalanda, which is taken on record, wherein it is submitted that initially, an encroachment case bearing Encroachment case no. 02 of 2022-23 was initiated, whereafter the final order was passed by the Circle Officer, Hilsa, District-Nalanda, which was challenged by the encroachers, by filing an appeal and the Appellate Court, by an order dated 30.06.2023, passed in the aforesaid appeal, has set aside the order, passed by the Circle Officer, Hilsa and remanded the matter back to the Circle Officer, Hilsa for fresh consideration.

3. In view of the aforesaid, the learned counsel for the petitioner submits that a time frame be fixed for conclusion of the aforesaid encroachment proceedings bearing Encroachment case no. 02 of 2022-23.

4. Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and proper to direct the Circle Officer, Hilsa to conclude the proceedings of the



aforesaid Encroachment case no. 02 of 2022-23, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law and after hearing the affected parties, within a period of six weeks from today, whereafter the needful consequential action shall be taken forthwith.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.08.2023
Transmission Date	NA

