

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10916 of 2024

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Bachan Jha son of Late Ramkripal Jha, resident of Village-Siripur Gahar,
Block and P.S.-Khanpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Divisional Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Samastipur.
4. The Additional Collector, Samastipur.
5. The Sub Divisional Officer, Sadar, Samastipur.
6. The Deputy Collector Land Reforms Sadar, Samastipur.
7. The Circle Officer, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Adv.
For the Respondent/s : Mr.Standing Counsel (25)

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 23-07-2024

Heard learned counsel for the parties.

2. In this writ application, the petitioner has prayed for following relief:-

“1(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of mandamus commanding and directing upon the Circle Officer, Samastipur (hereinafter referred to as respondent no.7) to remove the encroachment from the land appertaining to New Khata No. 2733, New Khesra No. 10529, 10522 situated in Village-Khanpur under Siripur Gahar East Panchayat under Khanpur Circle, District-



Samastipur taking into note that land in question has been recorded as “Unabad Bihar Sarkar”.

(ii) To direct the Circle Officer, Khanpur to initiate a proceeding under section 3(i) of the Bihar Public Land Encroachment Act, 1956 and conclude the same with a logical end.

(iii) To direct the respondent No.7 to remove the encroachment from the above mentioned land taking note that due to encroachment over the land/the public at large is facing convenience in commuting through the way.”

3. Learned counsel for the petitioner submits that there is a public land in Mauza Siripur Gadhar under Siripur Gahar East Panchayat situated in Khanpur Block of Samastipur appeertaining to Thana No. 190, New Khata No. 2733, New Khesra No. 10529, 10522 stood recorded as Anabad Bihar Sarkar said to encroached by villagers by constructing house and the encroachment over the aforesaid land is causing inconvenience to the public at large in commuting them through the way requires to be removed under the process of law.

4. Learned counsel for the petitioner further submits that the petitioner has filed a representation dated 11.01.2023 before the District Magistrate, Samastipur, requesting for removal of the encroachment in the public interest. The petitioner has also filed a complaint on 31.08.2023 before the



Sub-Divisional Public Grievance Redressal Officer, Samastipur whereafter the petitioner was directed to produce the documentary evidence (if any) in support of his claim and was also issued an acknowledgment dated 31.08.2023 to this effect but, till date, no action has been taken by the authorities concerned for removal of the encroachment.

5. Learned counsel for the petitioner finally submits that the Circle Officer, Khanpur is the competent authority under Section 3(i) of the Bihar Public Land Encroachment Act, 1956 to remove the encroachment, if any, from the public land by initiating a proceeding under the aforesaid Act.

6. The State has not filed any counter affidavit in the matter but submits that the Circle Officer, Khanpur is the competent authority under Section 3(i) of the Bihar Public Land Encroachment Act, 1956 and he may be directed to initiate a proceeding for removal of the encroachment from the public land.

7. In view of the above, this Court deems it fit and proper to direct the Circle Officer, Khanpur, to initiate a proceeding for removal of encroachment from the public land, in question, and conclude the same to a logical end after following the due procedure in accordance with law. Before



concluding the proceeding, the Circle Officer, Khanpur will give an opportunity of hearing to all the parties concerned.

8. With the aforementioned observation/direction, this writ application is disposed off.

(Rudra Prakash Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2024
Transmission Date	

