

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13635 of 2017

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Hari Shankar Singh Son of Late Ram Sagar Singh, resident of Village-
Deokhaira, P.S. Kochas, Anchal- Kargahar, District- Rohtas Sasaram.

... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Revenue Department, Old Secretariat, Patna, Bihar.
3. The Commissioner, Patna Division, Patna.
4. The Collector, Rohtas District, Rohtas.
5. The Additional Collector, Rohtas.
6. The Circle Officer, Anchal Kargahar, District- Rohtas.

... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bishwa Nath Chaudhary, Adv.
For the Respondent/s	:	Mr.S.C.Yadav-GP15
		Md. Faiz Ahmed, AC to GP14

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

3 24-07-2026 Heard learned counsel for the petitioner as well

learned counsel for the respondents.

2. The matter has come before this Court upon the
mention of the learned counsel appearing on behalf of the
petitioner on account of the urgency and a short prayer for
disposal of encroachment case pending before the concerned
authorities. The present writ application has been filed by the
petitioner for seeking directions to the Additional Collector,
Rohtas i.e., Respondent no. 5 to remove the encroachment from
Pokhra situated in Mouza, Deokhaira which is recorded in
Revision Survey Khatiyon as Anabad Sarbsha Dharan
appertaining to Khata No. 153, Plot No. 781 an Area 1.59 acres



in pursuance of the order contained in Memo No. 398 dated 06.04.2017 passed by the Divisional Commissioner, Patna. Further direction has been sought from the Additional Collector, Rohtas to remove the structure or building from Pokhra within one month as on account of this encroachment there has water logging in the village and it is creating obstructions.

3. Learned counsel for the petitioner very fairly submits that Encroachment Case No. 26/2016-17 which has been initiated almost eight years ago have not attained finality and therefore, the prayer has been made for disposal of the same. Learned counsel for the petitioner has placed reliance upon the judgment of Ram Punit Choudhary vs. State of Bihar & Ors. reported in 2023 (6) BLJ 395, the relevant extract of paragraph-6 of the same is quoted hereinbelow :-

“6. Having perused the material on record, the affidavits filed and the progress in removal of the encroachment as is evident from the affidavits filed by the District Magistrates, in the opinion of this Court, considerable steps have been taken and efforts made in removal of the encroachment. This Court hopes and expects that steps taken by the authorities will be taken to its logical conclusion and thus the instant application is being disposed of with the following directions:-



(I) The Circle Officers will prepare a chart every three months in the format prescribed by this Court in this case giving the total number of water bodies and the total number of water bodies from which encroachments are required to be removed and shall submit the same to their respective District Magistrates on 1st of January, 1st of April, 1st of July and 1st of October respectively.

(ii) The District Magistrate shall personally look into and monitor the matter and take all possible steps in accordance with law for removal of the encroachments from the water bodies.

(iii) The Senior Superintendent of Police/Superintendent of Police of the respective districts shall provide adequate police force as and when requisitioned by the authorities/Circle Officers for the above purpose.

(iv) It shall be the duty of the Circle Officers to keep a watch that none of the water bodies are once again encroached upon”.

4. Learned counsel for the State does not oppose the contention of learned counsel for the petitioner and fairly submits that the proceedings should be culminated.

5. Taking into consideration the entire facts and circumstances and also the judgment, which has been relied



upon by the learned counsel for the petitioner in the case of Ram Punit Choudhary (supra), the present application is being disposed of with a direction to the Circle Officer, Anchal Kargahar, District-Rohtas (respondent no. 6) to conclude the proceedings within a period of three months after hearing all the necessary parties.

6. It is made clear that if the aforesaid encroachment proceedings have come to close, then the grievance of the petitioner shall be considered/examined afresh and only if it is found that encroachment around Pokhra exists and there are complete violation of the directions given in the judgment of this Hon'ble Court as mentioned in the case of Ram Punit Choudhary (supra), Respondent No. 5 may proceed in accordance with law by initiating fresh encroachment proceedings under the provisions of Bihar Public Land Encroachment Act, 1956 for ends of justice.

7. Accordingly, the writ petition stands disposed in view of aforesaid observations.

(Raj Kumar, J)

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