

**In The Court of Commissioner, Saran Division, Chapra**

**Encroachment Rev. No. 280 /2015**

**Raj Narayan Singh**

**Vrs.**

**Dilip Kumar Singh & ors.**

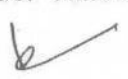
**ORDER**

09.06.2016 - The instant revision petition is directed against the impugned order dt. 19.09.2014 passed by Collector, Siwan in Encroachment case No. 20/2014-15.

The brief facts of the case are that the present respondent Dilip Kumar Singh S/o Late Manager Singh & ors. all resident of vill-Bharthui Garh, Anchal-Ziradei, Dist-Siwan preferred a case titled Encroachment case No. 20/2014-15 before Collector, Siwan. In the said case, the claim of the present respondents (petitioner before Collector, Siwan) was that 6 dhur of land of plot No. 749 under khata No. 194 situated in village Bharthui Garh, which was being used as Rasta, has been encroached by constructing a boundary wall by the present appellant (o.p. before Collector). The learned Collector, passed order in the said case on 19.09.2014 directing the C.O. Ziradei to remove the said encroachment. Being aggrieved by the said order, the present appellant has preferred the instant revision case before this Court.

Heard.

The learned counsel appearing on behalf of the appellant at the very outset of his argument, assailed the impugned order by saying that the said order is illegal and arbitrary inasmuch as the same has been passed without affording any opportunity of hearing to the appellant. He further submitted that the learned lower Court has also erred in not giving opportunities to the appellant and without hearing the appellant, passed the impugned order and only after hearing the arguments of respondent No. 2-4 and also ordered for removal of the boundary wall of the appellant which is about 30 years old and constructed outside of the disputed land. He also submitted that the appellant has never encroached the portion of the said land as alleged by same villagers due to village politics and the learned Collector, instead of hearing the appellant, passed the impugned order. He lastly submitted that the impugned order suffers from illegality and arbitrariness as such the same is fit to be set aside.



No one appeared on behalf of private respondents No. 2-4 to plead their case.

The learned Govt. Pleader appearing on behalf of respondent No. 1 the state of Bihar, submitted in brief that the said encroached land is a rasta. He further said that it also appears from the record that C.O. Zeradei had initiated a proceeding for removal of encroachment under the hearing of Encroachment case No. 22/2007-08 in the past and even the Anchal Amin reported that 6 dhur of Govt. land has been encroached by the appellant. He lastly submitted that there is no illegality in the impugned order as such the same be upheld and this petition being devoid of any merit is fit to be dismissed.

Considering the facts and circumstances of the case material available on records, pleadings made by the learned counsel for the parties and on perusal of the impugned order, it is quite obvious that the learned Collector, Siwan has passed a legal and valid order for the removal of the encroachment made by appellant from the government land as reported by the Anchal Amin after measurement of the said land. The only contention of the appellant is that he has not been granted opportunity of hearing before passing the order. This claim of the appellant has got no relevance in view of the fact that the Anchal Amin after measurement of the said land categorically reported that 6 dhur of Govt. land has been encroached by the appellant.

Thus, for the aforesaid reason, the impugned order is sustainable and accordingly, the same is upheld this petition is dismissed.

Dictated and Corrected by me.

*b.g.16*  
Commissioner,  
Saran Division, Chapra

*b.g.16*  
Commissioner,  
Saran Division, Chapra