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**(2012) 01 PAT CK 0034**

**In the Patna High Court**

**Case No : Misc. Jurisdiction Case No. 2455 of 2011**

Harendra Pratap Singh, Advocate

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

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**Date of Decision : 19-01-2012**

**Acts Referred:**

**Citation : (2012) 2 PLJR 668**

**Hon'ble Judges : Shiva Kirti Singh, J;Aditya Kr. Trivedi, J**

**Bench : Division Bench**

**Advocate : Harendra Pratap Singh, for the Appellant; Prabhakar Tekriwal and Mrs. Binita Singh for Respondent Nos. 16 and 17, for the Respondent**

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## **Judgement**

Shiva Kirti Singh

1. Heard the parties. Pursuant to the order of the Division Bench dated 22.6.2010 passed in CWJC No. 9317/2010 Ed.--Reported in 2010(4) PLJR 744 (Annexure-32) the Collector/District Magistrate, Bhojpur at Ara entrusted enquiry in respect of alleged encroachment over lands of Harbansh High School, Chandi, Panchayat-Narbirpur to Additional Collector, Bhojpur at Ara. The result of the enquiry has been given in details in the letter of the Additional Collector dated 2.9.2011 addressed to the District Magistrate, Bhojpur, Ara as contained in Annexure-B, to show-cause filed on behalf of O.P. No. 10, Sub-Divisional Office, Sadar, Ara. According to the said report land of the said school as mentioned in the Revisional Survey Records are free of encroachment and no details of any encroachment was made available in course of enquiry by anybody including the headmaster of the school.

2. The petitioner who appears in person has raised a grievance that authority should have made an enquiry as to the extent of land which belong to the school under Cadastral Survey Records and on that basis they should have found out what has happened to the land which are no longer shown as lands of the school in the Revisional Survey Records. In our considered view, the aforesaid

contention raises issues much beyond the simple issue of encroachment upon school land. The Revisional Survey was finalized in the year 1971 in the concerned area and the school was taken over by the State in 1980 as per submissions advanced by the petitioner. Summery enquiry without recourse to any statutory proceeding cannot be effective in the aforesaid facts and circumstances of the case. Hence, contempt petition is disposed of with a liberty, that if so advised, petitioner may pursue his remedy in accordance with law through appropriate proceeding before statutory authorities or before a competent court of law.