

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12284 of 2015

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1. Ram Narayan Ram @ Ram Narayan Manjhi son of Bechan Ram @ Bachan Manjhi
2. Hans Raj Gupta son of Shiv Mangal Sah
Both are resident of village-Tulshiya, P.S. Uchaka Gawn, District-Gopalganj

.... Petitioner/s

Versus

1. The Principal Secretary, Department of Land Reform and Revenue, Patna
2. The District Magistrate cum Collector, Gopalganj
3. The Additional Collector, Gopalganj
4. The Circle Officer, Uchaka Gawn Circle, Gopalganj
5. Magni Ram son of Late Doda Ram
6. Nathu Ram son of Late Doda Ram
7. Nathuni Bhagat son of Late Jaipal Bhagat
8. Raj Kumari Devi wife of Raji Rai Bhagat
All resident of village-Tulshiya, P.S. Uchaka Gawn, District-Gopalganj

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Anirudh Kumar Verma, Advocate

For the Respondent/s : Mr. S.K. Sharma, GA-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-08-2015 The petitioners complain of encroachment on a public land by the private respondent nos. 5 to 8. It is stated that although land bearing Khata No. 110 of Plot No. 544 in village-Tulshiya, P.S. Uchaka Gawn in the district of Gopalganj is recorded as *gair majarua malik* land and even though a portion thereof stands settled with the private respondents but the remaining portion is being used by the common people as public rasta and which has been encroached by the private respondents. Even when the counsel for the petitioner relies upon a

representation placed at Annexure-2 to the writ petition to submit that the attention of the statutory authority have been drawn towards the matter, but in my opinion, the representation present at Annexure-2 does not satisfy the requirement and thus the writ petition is disposed of with a liberty to the petitioner to file a duly constituted application under Section 3 of Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act') before the Collector by giving the details of the public land, the name of the encroachers as well as the extent of encroachment and any such application being filed would be considered and disposed of by the Collector under 'the Act' in accordance with law and after giving an opportunity to the alleged encroachers.

S.Sb/-

(Jyoti Saran, J)

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