

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7551 of 2015

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1. Jitendra Prasad Singh son of late Ram Bachan Singh
 2. Nand Lal Kejriwal son of late Kalu Ram Kejriwal.
 3. Ravi Shankar Prasad Singh son of late Ghutur Singh.
 4. Sanjay Kumar Singh son of late Nand Kishore Singh.
 5. Rajesh Kumar Singh son of late Sukhram Singh.
 6. B.N. Singh s/o late Diplal Prasad Singh.
 7. Chandeshwar Prasad Singh son of late Daroga Singh.
 8. Amit Kumar Sarpanch Gram Kachahari Shekhpur Prakhand Mushahari.
 9. Munni Devi w/o Munnendra Kumar Singh.
- All are resident of Mohalla-Nazirpur Bandh (Gandak) Kharaghat
Northern side of Bhutnath Mandir, P.S.-Ahiyapur, District-Muzaffarpur
..... Petitioner/s

Versus

1. The State of Bihar.
 2. The District Magistrate, Muzaffarpur.
 3. The Sub-Divisional Magistrate, East Muzaffarpur.
 4. The Circle Officer, Mushahar (Muzaffarpur).
 5. Dinesh Prasad Singh son of late Surjayadeo Singh, resident of
Village/Mohalla-Nazirpur Bandh (Gandak) Akharaghat Northern side
of Bhutnath Mandir, P.S.-Ahiyapur, District-Muzaffarpur.
 6. Anju Singh wife of Dinesh Prasad Singh.
Resident of Village/Mohalla-Nazirpur Bandh (Gandak)
Akharaghat Northern side of Bhutnath Mandir, P.S.-Ahiyapur,
District-Muzaffarpur.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kishore Shahi, Advocate
For the Respondent/s : Mr. Tej Bahadur Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 21-05-2015 Heard Mr. Shankar Kishore Shahi, learned counsel
for the petitioners and Mr. Deepak Sahay Jamuar, A.C. to AAG6.

The petitioners allege encroachment by the private respondents and pray for a direction to the District Magistrate to remove the same. According to the petitioners, the private respondents have encroached over the land bearing Khata No.8, Khesra No.212 situated at Nazirpur Gandak Bandh Northern side

(Portion) of Bhut Nath Mandir, P.S. Ahiyapur in the District of Muzaffarpur.

Learned counsel for the petitioners rely on a representation filed by the petitioners before the District Magistrate, Muzaffarpur to canvass his stand.

I have heard learned counsel for the parties and perused the record.

Annexure-1 is the representation to the District Magistrate requiring to proceed to remove the encroachment. An application filed for a removal of any encroachment on a public land has to be in the manner prescribed under the Bihar Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') and the Rules framed thereunder. Admittedly, Annexure-1 though is a representation, it does not satisfy the requirements of statutory application for removal of encroachment. Unless an application filed for removal of encroachment arraigns the encroachers and explains the extent on which the encroachment is made, it cannot be proceeded with.

Under the circumstance discussed, the writ petition is disposed of with liberty to the petitioners, if so advised, to file fresh application under Section 3 of 'the Act' arraigning the encroachers as party and also give details of the encroachment

made by them. In case, any such application is filed by the petitioners before the Collector under ‘the Act’, he would consider and dispose of the same in accordance with law and after affording opportunity of hearing to the petitioners as well as to the alleged encroachers, expeditiously.

The writ petition is disposed of.

(Jyoti Saran, J)

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