

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3502 of 2015

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Dinesh Das, S/o Late Jageshwar Das, Resident of Village Chandhanpur, Police Station- Kalyanpur, District Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary.
2. The District Magistrate, Samastipur.
3. Superintendent of Police, Samastipur.
4. Circle Officer, Kalyanpr, District Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Respondent/s : Mr. Manish Kumar, GP-8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 16-09-2015

Heard learned counsel for the petitioner and the State.

This writ application has been filed by the petitioner for removal of encroachment from public land of Plot No.442 appertaining to Khata No.509 of village Chandhanpur, District-Samastipur.

Though, he has stated in paragraph 5 that some persons named as Chandeshwar Ram, Jawahar Ram, Rekha Devi, Sanjay Ram etc. have encroached upon the aforesaid land, but he has not impleaded them as party. He claims that he has filed several representations before the authorities.

However, in view of limited prayer made at the time of hearing of this writ application, the same is being disposed of, without

going into merit of the case, granting liberty to the petitioner to file a proper application under Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act”) for removal of encroachment from public land. On such application having been received, the Circle Officer, Kalyanpur, Samastipur (respondent no.4) shall act in accordance with law and the procedure laid down in the concerned statute.

It is made clear that no final order for removal of encroachment should be made without granting reasonable opportunity to all the concerned. It is expected that if upon preliminary inquiry, it appears to the competent authority that there is encroachment on public land, then he would initiate a proceeding under Section 3 of the Act and proceed further and conclude the proceeding in accordance with law within a reasonable period but not exceeding six months from the date of filing of such representation. However, if in his opinion, there is no encroachment upon any public land, then he should pass an order to such extent and communicate it to the petitioner.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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