

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1489 of 2015

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1. Devendra Nath Mishra son of Sri Har Govind Mishra, resident of village-
Harnathpur P.S. Kochas, District- Rohtas (Sasaram)

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Rohtas (Sasaram)
2. The Sub Divisional Officer, Sasaram (Rohtas)
3. The Deputy Collector, Land Reforms, Sasaram (Rohtas)
4. The Circle Officer, Kochas, District- Rohtas (Sasaram)
5. The Officer in Charge, Kochas Police Station, District- Rohtas (Sasaram)
6. Shri Ram Narayan Musahar, son of Late Askaran Musahar, Resident of
village- Harnathpur P.S. - Kochas, District- Rohtas (Sasaram)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Adv.
For the Respondent/s : Mr. M.K. Sinha, S.C. 1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-08-2015 Learned counsel for the parties are present.

The complaint of the petitioner is that the private respondent No.6 has encroached on a public land bearing Khata No.39 Plot No.205 situated in village Harnathpur, Circle and P.S. Kochas in the district of Rohtas which according to the petitioner is in the nature of ‘Anabad Sarva Sadharan Rasta’.

Mr. Rajesh Kumar Mishra, learned counsel for the petitioner even while espousing the case of the petitioner fairly submits that no formal application under the provisions of the Section 3 of the Bihar Public Land Encroachment Act (hereinafter referred to as ‘the Act’) has been filed by the petitioner before the

Collector under ‘the Act’ for removal of the encroachment.

In the circumstances, the writ petition is disposed of with a liberty to the petitioner to file an appropriate application before the Collector under ‘the Act’ by arraigning the alleged encroachers as party as well as by giving a specific details as to the extent of encroachment.

It goes without saying that any such application being filed by the petitioner would be considered by the Collector under ‘the Act’ and disposed of in accordance with law after giving an opportunity of hearing to the alleged encroachers including the respondent no.6 herein. An expeditious disposal preferably within six months of receipt/production of a copy of this order would be appreciated.

(Jyoti Saran, J)

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