

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5926 of 2015

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Chulhai Ray Son of Late Rajdeo Ray Resident of village- Saidpur Milki,
Anchal- Morwa, P.S.- Patory, District- Samatipur

.... Petitioner

Versus

1. The State of Bihar through Collector, Samastipur.
2. The Additional Collector, Samastipur.
3. The Sub Divisional Officer, Sadar, Samastipur.
4. The Deputy Collector, Land Reforms, Sadar, Samastipur.
5. The Circle Officer, Morwa, Samastipur
6. Surendra Rai Son of Late Saryu Rai
7. Akhilesh Rai Son of Narayan Rai Both Respondent No.6 and 7 are
Resident of village- Saidpur Milki. Anchal- Morwa, P.S.- Patory,
District- Samastipur
8. The District Magistrate-cum-Collector, Samastipur

.... Respondents

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Appearance :

For the Petitioner : Mr. Vikas Kumar, Advocate

For the State : Mr. Shashi Shekhar Pd. Sinha, AC to GA 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 09-09-2015 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner is permitted to implead
the District Magistrate-cum-Collector, Samastipur, as respondent
no. 8 in this writ application in course of the day.

In view of the limited prayer made at the time of hearing of
this writ application, the same is being disposed of, without going
into the merit of the case, with a liberty to the petitioner to
approach the District Magistrate-cum-Collector, Samastipur, i.e.,
respondent no. 8, by making a proper application for removal of
the alleged encroachment from a public road. On such application
having been filed, the respondent no. 8 should either himself



examine the matter or refer the same to any other authority which is competent to take action for removal of encroachment under the Bihar Public Land Encroachment Act, 1956(hereinafter to be referred to as “the Act”). The authority concerned will have to examine as to whether there exists any encroachment upon the public road or not. If he is satisfied then he would be required to follow the procedure laid down under the statute and issue notice to all concerned and after hearing the parties he will take a decision and conclude the proceeding as per the mandate of the Act.

However, it is made clear that the whole exercise should be completed within three months from the date of filing of the representation by the petitioner.

(Dr. Ravi Ranjan, J)

SC/-

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