

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1928 of 2014

With

Interlocutory Application No. 9573 of 2014

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1. Bipin Kumar Agrawal S/O Shri Vijay Kumar Agrawal R/O Village +
Post Harshiddi, P.S. Harshiddhi, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Divisional Commissioner, Tirhut Division, Muzaffarpur
3. District Magistrate- Cum- Collector, East Champaran, Motihari
4. Sub - Divisional Officer, Areraj District Motihari
5. Anchaladhikari, Harshiddhi, District - East Champaran Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Respondent/s : Mr. Dhurjati Kr Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-08-2015 Heard Mr. Sharda Nand mishra, learned counsel for the

petitioner, Mr. Dhurjati Kumar Prasad, G.P.7 for the State and Mr.

S.S. Dwivedi, learned Senior counsel for the intervenor in

I.A.No.9573 of 2014.

Whereas the petitioner complains of encroachment by
certain persons on a public land which according to the petitioner
is in the nature of 'Gairmazarua Aam Rasta' bearing Khata No.
468, Keshra No. 67 in Mauza-Harshiddhi in the district of East
Champaran, Mr. Dwivedi learned Senior counsel appearing for the
intervenor while denying the allegation submits that although the
allegation is directed against the intervenor but he has not been

added as a party.

Learned counsel for the State while contesting the writ petition submits that although representation has been filed by the petitioner for the purpose but there is no duly constituted application as mandated under section 3 of the Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act') requiring any action to be taken by the Circle Officer in the matter.

Having heard learned counsel for the parties, the writ petition as well as the interlocutory application is disposed of with liberty to the petitioner if so advised, to file an appropriate application under the provisions of 'the Act' by arraigning the alleged encroacher as well as giving the details of encroachment on the public land and any such application being filed by the petitioner would be considered and disposed of by the Circle Officer in accordance with law and after giving opportunity of hearing to the alleged encroacher.

(Jyoti Saran, J)

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