

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24888 of 2013

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Ajay Kumar Rai Son Of Sakal Rai Resident Of Village- Tara Dhamaun Dih Tola,
Police Station- Patory, District- Samastipur

.... Petitioner

Versus

1. The State Of Bihar Through The District Magistrate, Samastipur
2. The Sub Divisional Officer, Patory, Samastipur
3. The Deputy Collector, Land Reforms Patory, Samastipur
4. The Circle Officer, Patory, Samastipur

.... Respondents

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Appearance :

For the Petitioner : Mr. Arvind kumar Sinha, advocate

For the State : Mr. Avanindra Kumar Jha, A.C. to A.A.G. 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 11-12-2015

Heard learned counsel for the petitioner and the State.

Grievance of the petitioner is that public land belonging to the khasra no.1316 appertaining to the khata no.58, Mauza, Tara Dhamaun, District, Samastipur of an area of 1.95 acres has been encroached by some of the villagers. It has been submitted that the land stands recorded as Sharv Sadharan Bihar Sarkar and is a road.

In above view of the matter, this writ application is being disposed of with a liberty to the petitioner to approach the Circle Officer, Patory, Samastipur by filing a proper application under the Bihar Public Land Encroachment Act, 1956. If such an application is filed then the Circle Officer would be required to enquire as to

whether there has been encroachment upon the concerned public land or not. If he is satisfied that there is encroachment then he would be required to initiate a land encroachment proceeding by following the procedure laid down under the aforesaid Act and take a final decision after granting reasonable opportunity to all the concerned persons and bring the matter to its logical conclusion within a period of six months from the date of filing of such representation.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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