

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15735 of 2012

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Om Prakash @ Om Prakash Prasad Son Of Sri Abhimanyu Prasad Resident Of
Village + P.O. + P.S. Mainatand, District West Champaran

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, West Champaran, Bettiah
3. The Sub-Divisional Officer, Narkatiyaganj, West Champaran, Bettiah
4. The Circle Officer, Mainatand, West Champaran, Bettiah
5. Sk. Kamrul Hoda alias Kamrul Hoda Son Of Late Rafakat Hussain Resident Of
Village Bahuarwa, P.O. Pindari, P.S. Mainatand, District West Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar,
Mr. Shivjee Singh, Advocates
For the State : Mr. Subhash pd. Singh, G.A. 7,
Mr. Shiv Kumar, A.C. to G.A. 7

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 03-09-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by Annexure 5 which is a notice
purported to have been issued under the Bihar Public Land
Encroachment Act, 1956, however, no case number has been stated
therein.

The case of the petitioner is that under the garb of
removal of encroachment from public land of plot no.727, the part of
private land of the petitioner of plot no.728 is being claimed and
demolition is threatened by the authority concerned.

A counter affidavit has been filed on behalf of the State appending a report of the Anchal Amin addressed to the Anchal Adhikari, Mainatand. It is stated that the measurement has been done not only in the presence of the petitioner rather the same, in fact, was done in the presence of his private Amin, v.i.z., Anirudh Tiwari. It has been found that the petitioner has encroached 1 dhur of the public land of plot no.727 which is a public land.

In such a situation, in my considered view, the petitioner should appear before the authority concerned itself and file his reply/written statement and the documents in support thereof. Thereafter, let an order be passed by such authority in accordance with law. Alternatively, if the petitioner so desires, he would be at liberty to approach any other appropriate forum which would be available to him under law.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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