

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12680 of 2015

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Raj Kamal Thakur, son of Sri Jitendra Kumar Thakur, resident of village Kusaiya, P.S. Warisnagar, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Distritir Magistrate, Samastipur
 3. The Sub Divisional Officer, Samastipur,
 4. The Circle Officer, Warisnagar, District Samastipur
 5. The Station House Officer Warisnagar, District Samastipur,
 6. Paras Nath Thakur, son of Chulhai Thakur,
 7. Bhagnath Thakur, son of Yogendra Thakur,
 8. Shambhu Thakur, son of Kameshwar Thakur
 9. Ram Thakur @ Ram Nath Thakur, son of Kameshwar Thakur, all respondent no. 6-9 are resident of village Kusaiya, P.S. Warisnagar, Districxt Samastipur.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Respondent/s : Mr. Raju Giri, GP-30

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 20-08-2015 The petitioner complains of encroachment by the private respondents on what he calls a public road bearing Plot Nos. 1721, 1718 and 1349 situated in village Kusaiya in Warisnagar police station in the district of Samastipur.

Mr. Bijay Bhushan Prasad learned counsel for the petitioner submits that on a public petition being filed before the statutory authorities complaining of encroachment by the private respondents on the public road that a notice was issued by the Circle Officer, Warisnagar District Samatispur on 13.6.2014 followed by another notice on 13.8.2014 but thereafter the matter has come to a standstill and has not progressed. It is in these

circumstances and complaining of continued encroachment by the private respondents on the public road in question that the writ petition is filed.

Having heard learned counsel for the petitioner and considering the nature of grievance raised as also the fact that the same has been acted upon , the writ petition is disposed of with the direction to the Circle Officer, Warisnagar, District Samastipur to consider the grievance of the petitioner and take appropriate action in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') for though the notice placed at Annexures- 3 and 4 dated 13.6.2014 and 13.8.2014 reflects that some kind of proceedings have been initiated but it does not really reflect whether a formal case has been registered under 'the Act'. In case the grievance raised by the petitioner is correct then the Circle officer would have to register a case under 'the Act' and after giving an opportunity of hearing to the alleged encroachers would dispose of the same in accordance with law preferably within 6 months from the date of receipt/production of a copy of the order.

With the observations and directions aforementioned, the writ petition is disposed of.

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(Jyoti Saran, J)