

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11972 of 2015

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Sant Dayalu Saryug Pandey Prathmik Cum Sanskrit Madhya Vidyalay,
Matiaria, Harsidhi, East Champaran through its Secretary Om Prakash
Pandey, son of Sri Kamlakant Pandey.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, East Champaran at Motihari.
3. Sub-Divisional Officer, Areraj, District- East Champaran.
4. Anchal Adhikari, Harsidhi Anchal, District- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

Mr. Lakshmi Kant Tiwary

For the Respondent/s : Mr. Anil Kr Uapdhyay, SC-20

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 06-08-2015

Learned counsel for the parties are present.

Mr. Anil Kumar Upadhyay, learned Standing Counsel no.20 submits that although the prayer for removal has been made by the petitioner but there is no formal application as envisaged under section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') has been filed.

Having heard learned counsel for the parties and considering the submission of Mr. Upadhyay, learned Standing Counsel No.20 this writ petition is disposed of with the liberty to the petitioner to file an appropriate application in tune with the statutory provisions underlying section 3 of 'the Act' giving the

details of the public land in question, the extent of encroachment as well as the names of the alleged encroachers before the Collector under 'the Act' and it goes without saying that any such application so filed by the petitioner shall be considered and disposed of by the Collector under 'the Act' in accordance with law and after giving opportunity of hearing to the concerned parties including the alleged encroachers.

This writ petition is disposed of accordingly.

(Jyoti Saran, J)

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