

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15796 of 2015

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1. Santosh Kumar, son of late Shiv Balabh Sharma, resident of Mohalla, Vivekanand Colony, Tekari, District, Gaya
 2. Madan Sharma, son of late Biteshwar Singh, resident of Mohalla, Vivekanand Colony, Tekari, District- Gaya
 3. Banke Bihari Sharma, son of Sri Ram Ruch Sharma, resident of Mohalla- Vivekanand Colony, Tekari, District- Gaya
 4. Nawal Kishor Sharma, son of late Ramadhar Sharma, resident of Mohalla- Vivekanand Colony, Tekari, District, Gaya

.... Petitioners

Versus

1. The State of Bihar through the Commissioner, Magadh Division, Gaya
2. The District Magistrate, Gaya
3. The Sub-Divisional Officer, Tekari, Gaya
4. The Circle Officer, Tekari, Gaya
5. The Deputy Commissioner, Land Reforms, Tekari, Gaya
6. The Executive Officer, Nagar Panchayat, Tekari, Gaya
7. Bihar State Road Transport Corporation through the Depot Manager, Tekari Bus Stand, Bihar State Road Transport Corporation, Tekari, Gaya

.... Respondents

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Appearance :

For the Petitioners : M/s. Mrigank Mauli,
Samir Kumar, Sanket,
Prince Kumar Mishra, Advocates

For the State : Mr. Jay Prakash Sharma, A.C. to G.P. XI

For the BSRT : Mr. P. K. Verma, Sr. Advocate,
Mr. Nand Kr. Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-10-2015

Heard learned counsel for the petitioners, the State and the Bihar State Road Transport Corporation.

Petitioners seek direction to the respondents to remove the encroachment from the public land of old Tekari bus stand and encroachment from the main road situated in plot no.07 appertaining to khata no.105 and plot no.21/313 of khata no.162

which leads to Vivekanand Colony, Tekari Ward No.13. He further claims that the same stands marked out by the Anchal Amin in his report dated 02.09.2015 appended with Annexure 6 in terms of the direction issued by the Sub-Divisional Officer.

Petitioners' contention is that certain private persons have encroached the part of the road by erecting Gumti etc. and at the same time, Bihar State Road Transport Corporation (hereinafter referred to be as 'the BSRTC') is also erecting its boundary wall after encroaching the public land which does not belong to it.

In above view of the matter, this writ application is being disposed of with a liberty to the petitioners to approach the District Magistrate, Gaya by filing an application giving all the details and setting out their claim along with the documents, if any, in support of their claim.

Let the District Magistrate examine it and ascertain as to whether there has been any encroachment or not upon the public land concerned. If it is found that some private persons are encroaching upon the public land then proceeding for its removal under Bihar Public Land Encroachment Act, 1956 should be taken immediately. If already proceeding has been initiated then it should be brought to its logical conclusion as expeditiously as possible but not later than two months. If it is further found by the District

Magistrate that BSRTC is also utilizing part of the land in the nature of public land or road then a direction should be given to the BSRTC also to remove such boundary wall so that free flow of traffic be maintained on the public road if it is being utilized without its proper transfer or allotment in its favour by a competent authority or without its vesting in BSRTC in accordance with law.

Let a report in this regard be submitted by the District Magistrate, Gaya to the Registrar General of the Patna High Court after expiry of two months or upon compliance of the direction, whichever is earlier.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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