

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.413 of 2014

=====

Umesh Sharma S/O Sri Nandlal Sharma, resident of Village- Bharatpur,
P.S- Sono, P.O- Paramatina, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, District- Jamui.
3. The Superintendent of Police, Distt- Jamui.
4. The Sub Divisional officer, Distt- Jamui.
5. The D.C.L.R., District- Jamui.
6. The Circle Officer, Block- Sone, District- Jamui.
7. The Thana Prabhari, P.S- Sono, District- Jamui.
8. Baijnath Das S/O Late Bunid Das, resident of Village- Bharatpur, P.S- Sono, District- Jamui.
9. Sanjay Das S/O Baijnath Das, resident of Village- Bharatpur, P.S- Sono, District- Jamui.

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate

For the Respondent/s : Mr. Partha Sarthy, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 19-02-2015 Heard the parties.

Although the petitioner prays for removal of encroachment from Plot No. 96 of Khata No. 1507 in Thana No. 1385, village-Bharatpur in the District of Jamui which according to the petitioner is a *public aam rasta* and stands encroached by the private respondents but a perusal of the writ petition manifests that no statutory application as envisaged under Section 3 of the Bihar Public Land Encroachment Act impleading the encroachers as party and taking out the extent of encroachment, has been filed

by the petitioner in the manner prescribed under the Act.

Though Mr. Satya Ranjan Sinha relies upon Annexure-2 to submit that an application has been filed but in my opinion that is in the form of representation and does not suffice statutory requirements.

In the circumstances, the writ petition is disposed of with liberty to the petitioner to file a comprehensive application before the Circle Officer in the manner prescribed under the Act and by impleading the encroachers as also explaining the extent of encroachment by each of them and any such application if filed would be considered and disposed of by the Circle Officer in accordance with law and after giving opportunity of hearing to the affected parties including the alleged encroachers in accordance with law.

An expeditious disposal within nine months of filing of such application would be appreciated.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--