

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2020 of 2016

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Ram Janam Prasad S/o Late Chandrika Prasad Resident of village - Gonawa, P.O.
Sadisopur, P.S. Naubatpur, District - Patna (Bihar)

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Patna
2. The Sub - Divisional Officer, Danapur
3. The Deputy Collector, Land & Reforms, Danapur (Patna)
4. The Circle Officer, Naubatpur Circle Office, under District - Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajendra Narayan, Sr. Advocate
Mr. Dhananjayu Kumar Singh, Advocate

For the Respondents : Mr. Amarendra Kumar, AC to AAG 15

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 15-11-2016

Heard learned counsel for the parties.

2. The grievance of the petitioner is that some anti-social elements have encroached over the land measuring two and half acres of Panchayat land of Gram Panchayat Gonawa, Sadisopur, Police Station Naubatpur, District Patna.

3. A perusal of Section 3 of the Bihar Public Land Encroachment Act, 1956 shows that a Collector is the competent authority to pass an order of removal of encroachment and that the jurisdiction of the Collector can be invoked by any person.

4. It would be disputed question of fact as to whether; the persons in possession are encroachers on land in question. In view of

the provisions of the Act, the petitioner has effective alternative remedy to seek removal of encroachment under the provisions of the Bihar Public Land Encroachment Act.

5. Considering the above, the present writ petition is disposed of with liberty to the petitioner or any other person to invoke the jurisdiction of the Collector for redressal of his grievances in respect of removal of the encroachment over the public land. As and when such a petition is filed, the same shall be considered and disposed of in accordance with law.

(Hemant Gupta, ACJ)

B.T/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.11.2016
Transmission Date	N.A.