

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16432 of 2015

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1. Sri Bhagwan Singh son of Late Bindeshwari Singh
 2. Ajay Kumar Pandey son of Sri Saligram Pandey
 3. Ram Binod Singh son of Late Askrit Singh
 4. Ram Niwas Singh son of Late Harsdeo Singh
 5. Dahari Singh Yadav son of Late Ramdhan Yadav
 6. Sunil Kumar Singh son of Late Ram Nath Singh
 7. Balaludalin Khan son of Jamil Khan
 8. Lukman Ansari son of Late Rashid Ansari
 9. Hassanjan Idrish son of Late Habib Idrishi
 10. Ram Ashish Singh Yadav son of Late Sukhari Singh Yadav All are residents of village + P.O. + Police Station - Dinara, District - Rohtas (Sasaram), Bihar.
- Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Collector Rohtas at Sasaram.
3. The Sub-Divisional Magistrate, District - Rohtas.
4. The Deputy Collector, Land Reforms, Bikramganj, District - Rohtas (Sasaram).
5. The Circle Officer, Dinara, District - Rohtas.
6. Bhola Seth son of Late Suchit Seth
7. Bhagwati Seth son of Late Suchit Seth
8. Minhasuddin Indrishi son of Babar Khalifa
9. Mukteshwar son of Rajendra Kharwar
10. Santosh Mali Son of Bihari Mali
11. Ramawatar Sah son of Sital Sah
12. Bihari Singh son of Late Bhukhi Singh
13. Sheo Prasad Yadav
14. Sukhdeo Sah
15. Ramji Sah son of Muni Lal Sah
16. Birendra Sah son of Late Ramdyal Sah All are resident of village + P.O. and P.S.- Dinara, District- Rohtas (Sasaram)
17. Ram Chandra Sah son of Munis Sah, resident of village- Samahuta, P.O. Kund, P.S.- Dinara, District- Rohtas (Sasaram)
18. Vijay Mahto son of Lal Mohar Mahto, resident of village and P.O. Akorha, P.S.- Dinara, District- Rohtas (Sasaram)
19. Harnath Prasad, resident of village- Girdhariya, P.O. and P.S.- Dinara, District- Rohtas
20. Mahendra Sharma, resident of village- Rani, P.O. Mahroth,, P.S.- Dinara, District- Rohtas (Sasaram)
21. Ram Lal Sharma, resident of village- Kaithahar Khurd, P.O. Sikathi, P.S.- Dhansoin, District- Buxar
22. Gobardhan Yadav, resident of village- Kharwania, P.S.- Dhansoi, District- Buxar
23. Sheo Muni Yadav, resident of village- + P.O.- Mahrroh, P.S.- Dinara, District- Rohtas (Sasaram)
24. Ram Das Singh, resident of village- Marua, P.O. and P.S.- Dinara, District- Rohtas (Sasaram)
25. Gulab Baitha, resident of village- Ahrawn, P.O. and P.S.- Natwar, District- Rohtas
26. Sushil Kumar Pandey, resident of village- + P.O.- Jamarohi, P.S.- Dinara,



District- Rohtas

27. Sheo Muni Sah, resident of village- + P.O.- Jamroh, P.S.- Dinara, District- Rohtas

28. Ram Pravesh Sah son of Mukurdhan Sah, resident of village- Sarna, P.O.- Bhanpur, P.S.- Dinara, District- Rohtas

29. Satya Deo Sah, resident of village- Parasiya, P.S.- Dhansoi, District- Buxar

30. Satyendra Singh, son of Ramashray Singh, resident of village- Girdhariya, P.O. and P.S.- Dinara, District- Rohtas

31. Upendra Sah resident of village and P.O.- Mahrorh, P.S.- Dinara, District- Rohtas

32. Manoj Kushwaha son of Rajgrihi Kushwaha, resident of village- Maruan, P.O. and P.S.- Dinara, District- Rohtas (Sasaram)

33. Sheonath Sah son of Late Kanhaiya Sah, resident of village- Girdhariya, P.O. and P.S.- Dinara, District- Rohtas

34. Pintu Kumar, son of Late Indradeo Prasad, Ex-driver of B.D.O. Dinara, resident of village- + P.O. + P.S.- Dinara, District- Rohtas.

All are the permanent resident of village + P.O. and P.S.- Dinara, District- Rohtas (Sasaram)

35. Sanjay Sharma, son of late Patiram Sharma at Kairahi Khurd, P.S. Dinara, District Rohtas

36. Mohan Singh, son of Shyam Bihari Singh at + P.S. Dinara, District Rohtas at Sasaram

37. Jokhan Ram, son of Late Nathua Ram, at Dhawania, P.S. Dinara, District Rohtas at Sasaram

38. Vijay Sah, son of Late Bhola Sah at Jamroh, P.S. Dinara, District Rohtas at Sasaram

39. Pintu Sah, son of Nathuni Sah at Sareyan, P.S. Dinara, District Rohtas at Sasaram

40. Prabha Kuwar, wife of Late Nandi Chaudhary.

41. Lallan Sah, son of Late Sakichand Sah, both residents of village Dinara P.S. Dinara, District Rohtas at Sasaram

.... Respondents

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Appearance :

For the Petitioner : Mr. Satish Kumar

Dr. Rama Shankar Singh, Advocates

For the Respondents : Mr. A.K. Chaudhary, AAG 13

Mr. Ashutosh Ranjan Pandey, Advocate

For Resp. Nos.13,25 & 34: Mr. Raghunandan Kumar Singh, Advocate

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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: 29-11-2016

Heard learned counsel for the petitioners and learned
counsel for the respondents.



2. The petitioners have invoked the writ jurisdiction of this Court in public interest for a direction to the respondents to allow the petitioners to enjoy the land of *Anabad Sarv Sadharan* of *Khata* No. 723 of village Dinara, Anchal Dinara, District Rohtas and to direct that nobody or individual is permitted to make encroachment on the public land by making any illegal construction and to remove the encroachment over the said land.

3. In the counter affidavit filed on behalf of respondent nos. 2 to 5, there is a reference to encroachment by the named persons in paragraph 11 of the said counter affidavit. Some of the alleged encroachers have been impleaded as party respondents in the present writ petition as well.

4. We find that in respect of encroachment on public land, there is alternative statutory remedy under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act”) where the Collector can pass an order of removal of encroachment on the public land. The proceedings can be initiated by the Collector on the basis of an application made by any person or upon information received from any sources that any person has made or is responsible for the continuance of any encroachment upon any public land.

5. In view of the said fact, we deem it appropriate to direct the Collector, Rohtas at Sasaram to initiate a proceeding under



the aforesaid Act and pass appropriate orders in accordance with law.

It is needless to say that the Collector shall comply with the principles of natural justice i.e. after giving an opportunity of hearing to the encroachers and pass a speaking order considering the contentions or defence of the alleged encroachers.

6. With the said direction and liberty, the writ petition is disposed of.

(Hemant Gupta, ACJ)

B.T/Ibrar

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.12.2016
Transmission Date	N.A.

