

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12431 of 2014

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1. Bhola Prasad son of Late Sabbir Sah
 2. Sabbir Alam son of Late Sarfuddin
 3. Supan Mahto son of Late Badri Mahto
 4. Lal Mohan Bhagat son of Late Ram Lakhan Bhagat
 5. Sarita Devi Daughter of Late Ram Swarup Sah
 6. Uday Singh son of Late Bijay Singh
 7. Rajendra Mahto son of Raghubir Mahto
 8. Moti Lal Ram son of Late Saras Ram
 9. Babban Bhagat son of Late Ram Lakhan Bhagat
 10. Md. Sabbir Hussain son of Late Taib Hussain
 11. Suresh Kumar Gupta son of Late Ram Charitra Sah
 12. Rajeshwari Prasad son of Late Dawarika Sah
- All are Resident of Mirpur Bhual, P.S. Dighwara, District Chapra.

.... Petitioners

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Principal Secretary in the Department of Revenue, Government of Bihar, Patna.
3. The District Magistrate Saran at Chapra.
4. The Deputy Development Commissioner, Saran at Chapra.
5. The Sub Divisional Magistrate, Sonapur, District Saran.
6. The Circle Officer, Dighwara, District Saran

.... Respondents

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Appearance :

For the Petitioners : Mr. Anil Kumar, Advocate
For the Respondents : Mrs. Namrata Mishra, GA 6
Mrs. Archana Jha, AC to GA 6

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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: 09-12-2016

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

2. The grievance of the petitioners is in respect of the
alleged encroachment on the land of Khata No. 201, Survey Plot Nos.
588 and 543 situated in the Village and Mauza Mirpur Bhuaal New
Thana – Dighwara Old Thana-Sonpur, District Saran. Petitioner no.1



is said to have filed a petition before the Anchal Adhikari, Dighwara, Saran on 8th of February, 2014.

3. The grievance of the petitioners is that though they have invoked the jurisdiction of the competent authority in terms of the provisions of the Bihar Public Land Encroachment Act, 1956 but the said proceeding has not been taken to its logical end.

4. On the other hand, the stand of the State is that the land which is claimed by the petitioners is not a public land but in fact a private land.

5. Whether the said land is a public land or a private land is a question of fact which the Collector is required to decide. If he finds that the land is a public land, he will proceed otherwise relegate the parties to avail such other remedy as is available to the parties in accordance with law. The Collector is expected to take expeditious decision on the petition filed in the year 2014 preferably within a period of six months from today.

6. The writ petition is, accordingly, disposed of.

(Hemant Gupta, ACJ)

B.T/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.12.2016
Transmission Date	N.A.

