

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13332 of 2014

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Sadhu Paswan, S/o Late Banwari Paswan, Resident of Vill - Korjee, P.S. -
Phulwarisharif, Dist. - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Human Resource Development, Govt. of Bihar, Patna.
2. Director Secondary School, Patna.
3. Commissioner, Patna Division, Patna.
4. Collector, Patna.
5. Circle Officer, Phulwarisharif Block, Patna.
6. Block Development Officer, Phulwarisharif Block Patna.
7. Mukhia Gram Panchayat Bhusaula Danapur, Phulwarisharif, Patna
8. Vinay Shankar Sharma S/o - Late Ramanuj Sharma, Resident of Vill. - Korjee, P.S. - Phulwarisharif, Dist. - Patna.
9. Bharat Sharma, S/o - Late Shivdhar Singh, Resident of Vill - Korjee, P.S. - Phulwarisharif, Dist. - Patna.
10. Jitendra Sharma, S/o - Late Vishwanath Singh, Resident of Vill. - Korjee, P.S. - Phulwarisharif, Dist. - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nag Dev Chaubey, Advocate
For the State : Mr. Firoz Ahmad, A.C. to A.A.G.-12
For Respondent No. 8 : Mr. Rabindra Kumar, Advocate.
For Respondent No. 7 : Mr. Ajit Kumar, 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: 08-12-2016

Head learned counsel for the parties.

2. The petitioner has invoked the writ jurisdiction of this Court in public interest to seek removal of encroachment from public land bearing Khata No. 229, Khesra No. 1252, 1208/1688, area- 28 decimal.



3. The grievance of the petitioner is that said land is of the Government Middle School but now part of the land of the School stands encroached.

4. In the counter affidavit filed on behalf of Respondent Nos. 4 and 5 it is stated that Encroachment Case No. 5 of 2014-15 has been initiated against the encroachers.

5. Since proceedings for removal of encroachment stands initiated under Bihar Public Land Encroachment Act, 1956, we do not find that the disputed question of fact as to whether there is encroachment or not need to be examined by this Court. The Collector under the said Act is competent to decide all questions of fact.

6. Consequently, the present writ application is disposed of with direction to the Collector under the Act to decide the encroachment case expeditiously in accordance with law.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	14.12.2016
Transmission Date	

