

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23390 of 2012

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Rajnish Kumar, Son of Sri Nand Lal Mahto, Resident of Village - Shiwra, P.S.
Patori, Distt - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Block Development Officer, Patori, Samastipur
3. The Sub Divisional Officer, Patori, Samastipur
4. The Collector, Samastipur
5. The Officer In Charge of Patori, Police Station Patori, Samastipur
6. The Dy. Superintendent of Police, Patori, Samastipur
7. The Superintendent of Police, Samastipur
8. The Circle Officer of Patori Block, Patori, Samastipur
9. The D.C.L.R. Patori, Samastipur
10. Mrs. Chitra Lekha Devi, The Employment Mid-Wife Patori Block, Patori, Samastipur
11. Deo Narayan Sah, Son of Late Ganor Sah Resident of Village - Shiwra, P.S. Patori, Distt - Samastipur
12. Md. Mashroff Son of Md. Rauff Resident of Village - Shiwra, P.S. Patori, Distt - Samastipur
13. Md. Jainuddin Son of Md. Jamil Miyan Resident of Village - Shiwra, P.S. Patori, Distt - Samastipur
14. Ganesh Singh Son of Parmanand Singh Resident of Village - Shiwra, P.S. Patori, Distt - Samastipur
15. Lagan Bhagat S/o Late Shyam Narayan Bhagat Resident of Village - Shiwra, P.S. Patori, Distt - Samastipur
16. Sone Lal Sharma Son of Dorik Sharma Resident Of Village - Shiwra, P.S. Patori, Distt - Samastipur
17. Mashraff S/o Md. Raoof Resident Of Village - Shiwra, P.S. Patori, Distt - Samastipur
18. Md. Mahsing At Present Mukhiya, Gram Panchayat Raj Hajrat Shiwra Son of Md. Karim Resident of Village - Shiwra, P.S. Patori, Distt - Samastipur
19. Reena Devi (Ward Member) Ward No. 8 W/o Bhushan Bhagat Resident of Village - Shiwra, P.S. Patori, Distt - Samastipur
20. Manoj Thakur S/o Devi Thakur Resident of Village Chaksahi, P.S. Patori, Distt - Samastipur

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Shiv Shankar Sah, Advocate.

For the Respondent/s : Mr. Manish Kumar, AC to AAG-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



The petitioner alleges encroachment on the Government road bearing Khata No. 614, plot No. 1592, Thana No. 165 under the Block-Patori, District-Samastipur.

The question is as to whether the residents impleaded in the writ petition have encroached the public land or not is a disputed question of fact. For such disputed question of fact, the Bihar Public Land Encroachment Act, 1956 has been enacted which provides for effective alternative machinery for redressal of issues related to encroachment on public land.

In view of the said fact, we relegate the petitioner to seek alternative statute remedy contemplated by Bihar Public Land Encroachment Act, 1956. As and when the petition is filed, the Collector under the aforesaid Act shall take expeditious decision on merits in accordance with law.

The writ application is, thus, dismissed with above directions.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.12.2016
Transmission Date	

