

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5749 of 2015

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Ashutosh Dutta. Son of Late Heerakant Dutta. Resident of Mohalla - 6 'C' Denbey Road, P.S.- L.N.M.U. Campus, District - Darbhanga

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The Collector, Darbhanga.
4. The Circle Officer, Sadar Circle Kabirchak, Darbhanga.
5. The Municipal Commissioner, Darbhanga Municipal Corporation, Darbhanga.
6. Raghvendra Chaudhary. Son of Shashidhar Chaudhary.
7. Meera Jha. Wife of Ram Chandra Jha. Respondents 6 and 7 residents of Mohalla - Kathal Bari, P.S.- L.N.M.U. Campus, District - Darbhanga

.... Respondents

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Appearance :

For the Petitioner : Mr. V.R.P. Singh and
Mr. Lovekush Kumar, Advocates
For the State : Mr. Kamallesh Kishore, AC to GP 2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 24-06-2016

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the encroachment of khesra no. 9712 of mouja Kathalbari(Isufganj) under Anchal Sadar, in the District of Darbhanga, which, according to him, is Gaimazarua Khas land being in use of general public and is described as gabra(Ditch), by making construction over it.

It is contended that he had approached the District Magistrate, Darbhanga as well as the Town Commissioner, Darbhanga for getting removal of the encroachment but nothing has been done.

Accordingly, this writ application is being disposed of with a

liberty to the petitioner to once again approach the District Magistrate, Darbhanga by filing appropriate application for removal of encroachment from the concerned land. On such application having been filed, the District Magistrate would either himself examine the matter or would delegate it to other authority which is competent to take a decision in the matter. The authority concerned would first examine the matter to ascertain whether there is any encroachment upon the concerned public land and if such encroachment is found then proper proceeding under the statutory provision should be initiated for removal of such encroachment. However, the final decision in the matter should be taken in the matter on its own merit and in accordance with law after granting reasonable opportunity to all the concerned including the private respondents.

It is expected that the entire exercise would be completed within a period of three months of filing of such application from the date of its filing along with a copy of this order.

This is further made clear that this Court has not formed or expressed any opinion with respect to the merit of the case.

(Dr. Ravi Ranjan, J)

SC/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29-06-2016
Transmission Date	NA