

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10687 of 2016

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Nilesh Kumar Singh S/o Shri Ashok Kumar Singh R/o village+ PO- Kathara, P.S.-
Sultanganj, District Bhagalpur

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Land Reforms Department, Govt, of Bihar, Patna
2. The District Magistrate/ Collector, Bhagalpur, District Bhagalpur
3. The Sub Divisional Officer, Bhagalpur, District Bhagalpur
4. The Circle Officer, Sultanganj, District Bhagalpur
5. Ramjee Bhagat S/o Late Balgovind Bhagat R/o village+PO-Kathara, P.S. - Sultanganj District Bhagalpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjay Kumar Gupta, Advocate
For the State : M/s K.P. Yadav, G.P. 11
Kritya Nand Jha, AC to GP 11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-11-2016

Heard parties.

Petitioner claims that respondent no. 5 has encroached upon public land of Khesra No. 1816 appertaining to Khata No. 594 of village Kathara, Police Station Sultanganj, District Bhagalpur.

It is urged that construction has been made upon a public Rasta which is causing much inconvenience to the petitioner and all the villagers. Petitioner submits that he has approached the District Magistrate, Bhagalpur vide Annexure 3 and though a notice has been issued by the Anchala Adhikari on 3.6.2016 for stopping the

construction but the same is going on and no proceeding has been initiated against the private respondent.

Having regard to the aforementioned facts and circumstances, this writ application is disposed of, without going into the merit of the case, with a liberty to the petitioner to approach the Anchala Adhikari concerned by filing proper application under the Bihar Public Land Encroachment Act, 1956 for removal of encroachment. Thereafter, the Anchala Adhikari would examine the matter and if it is found that there is encroachment on public land then he would take steps for removal of the same following the procedure laid down under the Act and the Rules and conclude the proceeding preferably within a period of six months. However, it is made clear that before doing that he would have to grant reasonable opportunity to all the concerned including the respondent no. 5. In case he decides otherwise and he does not find any encroachment on a public road or land then he would pass an order and communicate the same to the petitioner expeditiously.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
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