

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1599 of 2016

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Suryakant Jha Son of Ram Ballabh Jha, Resident of Ghanshyampur, Police Station
- Ghanshyampur, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The District Collector, Darbhanga.
4. The Sub - Divisional Officer, Biraul, District - Darbhanga.
5. The Circle Officer, Anchal - Ghanshyampur, District - Darbhanga.

..... Official Respondents

6. Belbhadra Mishra, Son of Late Taran Mishra,
7. Nilambar Mishra, Son of Yadubir Mishra,
8. Ghuran Mishra, Son of Late Yadubir Mishra,
9. Chhotan Mishra, Son of Late Taran Mishra,
10. Mangan Jha, Son of Late Lamodar Jha, Resident of Private Respondent No. 6 to 10 of village - Ghanshyampur, P.S. - Ghanshyampur, District - Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : M/s Uday Pratap Singh and
Prashant Sinha

For the State : Mr. Mritunjay Kumar, AC to AAG 6

For the Private Respondents : Mr. Pankaj Kumar Jha, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 07-12-2016

Heard parties.

In view of limited prayer made at the time of hearing
of this matter, this writ application is being disposed of, without going
into the merit of the case, with a liberty to the petitioner to file a
fresh application for removal of encroachment from the public lands



of Khesra No. 2191, 2192, 1614, 1615, 1618 of village Hardwar, Anchal Ghanshyampur, District Darbhanga as petitioner claims that there has been encroachment upon public land as the aforesaid plots are *Gair Majarua Aam*. If such application is filed under the Bihar Public Lands Encroachment Act, 1956 (hereinafter referred to as “the Act”) then the Anchala Adhikari concerned would be required to examine as to whether there is some encroachment over the public land or not. If it is *prima facie* found then he would initiate a proceeding in accordance with law and issue notice to the encroachers under section 3 of the Act and, after granting reasonable opportunity to all the concerned including the encroachers, a final decision would be required to be taken and matter would be brought to its logical conclusion within a period of six months from the date of filing of such application along with a copy of this order. However, if the Anchala Adhikari comes to a conclusion that there is no encroachment on the aforesaid public lands or the aforesaid plots are not public land then he would not be required to lay his hand in the matter and pass a reasoned order and communicated to the petitioner.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.03.2017
Transmission Date	NA

