

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5754 of 2017

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Arghanand Vyas, Son of Ram Bilas Vyas, resident of Village- Begampur,
P.S.+District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate cum Collector, Nalanda.
3. The Sub Divisional Officer cum Sub-Divisional Public Complain Redressal Officer Bihar Sharif, District- Nalanda.
4. The Circle Officer, Noorsarai, District Nalanda.
5. Most Shyam Sundar Devi @ Tara Devi, W/o Jageshwar Singh @ Bhutnath, resident of Village- Begampur, P.S. and District- Nalanda.
6. Shobha Rani, W/o Sunil Kumar, the proprietor of Maa Shivdulari Devi Plast Industries, Mohalla- Mogal Kuan Town, P.S.- Sohsarai, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate

For the State : Mr. Ajay, GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-05-2017

Inter alia, contending that there is encroachment by Respondent No.6 upon Plot No.3124 Khata No.218, Thana No.89, area 0.16.40625 decimal in Malik Vind Pokhar, which is said to be gairmajarua, this petition has been filed for removal of encroachment.

Sri Ajay, learned counsel appearing for the State Government, invites our attention to Annexure-3, an order passed by the statutory authority in a complaint filed by the petitioner to indicate that it is a private civil dispute between the petitioner and the



respondent No.6 and on the complaint, no action was taken by the authority concerned.

Be that as it may, the fact remains that if there is encroachment on public land, as alleged by the petitioner, the remedy available to the petitioner is to file an appropriate application before the Circle Officer, Noorsarai, District Nalanda, respondent No.4, in accordance to the provisions of the Bihar Public Land Encroachment Act and it would be for the said statutory authority to cause an enquiry into the matter and take action as is permissible under law. The said statutory remedy is available to the petitioner as indicated hereinabove.

That being so, for the present, without entering into the controversy on merit and without expressing any opinion on the allegations made by the petitioner, it is directed that in case the petitioner files an application in accordance to the Bihar Public Land Encroachment Act before respondent No.4, the respondent No.4 shall take action to proceed to decide the same in accordance to law after hearing all concerned.

Needless to emphasize that we have not expressed any opinion on the merits of the allegations made and it would be exclusively for respondent No.4 to take action in accordance to law. If a complaint is filed, respondent No.4 is directed to take action and



dispose of the proceedings within a period of six months from the date of its representation.

With the aforesaid, the writ application stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.05.2017
Transmission Date	

