

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5353 of 2017

Bipin Singh, Son of Late Faudari Singh, resident of Village and Post- Pinjari, P.S.- Barbigha, District- Sheikhpura.

.... Petitioner

Versus

- 1. The State of Bihar through the District Magistrate, Sheikhpura.
- 2. The District Magistrate, Sheikhpura.
- 3. The Superintendent of Police, Sheikhpura.
- 4. The Circle Officer, Anchal Barbigha District Sheikhpura.
- 5. The Officer in Charge, Barbigha Police Station District Seikhpura.
- 6. The Sub-Divisional Magistrate Sheikhpura District Sheikhpura.
- 7. Ramashish Singh, Son of Late Saheb Singh.
- 8. Rameshwar Singh, Son of Late Bichha Singh.
- 9. Ram Chandra Singh, Son of Late Bachhu Singh.
- 10. Lala Singh, Son of Late Saudagar Singh.
- 11. Vilayati Singh, Son of Laxhmi Singh.
- 12. Ramashish Singh, Son of Late Bishnu Singh.
- 13. Rajo Singh, Son of Late Basant Singh.
- 14. Jawahar Singh, Son of Late Gopi Singh.
- 15. Rajo Singh, Son of Late Harihar Singh.
- 16. Ram Sumiran Singh, Son of Late Shyamali Singh.
- 17. Munna Singh, Son of Sri Degar Singh.
- 18. Chunchun Singh, Son of Late Ramanand Singh.
- 19. Brijnandan Singh, Son of Late Shyamali Singh, 7 to 19 are resident of Village and Post- Pinjari, P.S.- Barbigha, District- Sheikhpura.

.... Respondents

Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate.
For the Respondents : Mr. Ajay, G.A. 5.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 25-04-2017



Interalia contending that since encroachment has been made on a public land and in spite of a direction issued, encroachment made by the private respondents are not being removed, this writ petition has been filed by the petitioner in public interest seeking removal of the encroachment.

From the averments made in the writ petition and a perusal of the documents available on the record particularly Annexure-9, it is seen that before the Sub Divisional Magistrate, Sheikhpura, an application has already been filed for removal of encroachment under Bihar Public Lands Encroachment Act and therefore at this stage, interest of justice would be met in case, the respondent nos. 2 and 6 are directed to take note of the grievance made by the petitioner before them vide Annexure-9 and decide the said application pending under the Bihar Public Lands Encroachment Act in accordance to law.

Keeping in view of the aforesaid, the Competent Authority before whom the proceedings are initiated by the petitioner vide Annexure-9 is pending, shall proceed and decide the same after hearing all concerned preferably within a period of six months. It is exclusively for the statutory authority to go into all the legal and factual aspect of the matter, hear all concerned in accordance to requirement of law and thereafter pass an order as permissible in law.



With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

U.K./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.05.2017.
Transmission Date	

