

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.677 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 5439 of 2015

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Krishnadeo Prasad, Son of Late Nand Lal Prasad, R/o Village-Kaila, P.S.-Asthawa,
District-Nalanda

.... Appellant/s

Versus

1. The State of Bihar through District Magistrate, Nalanda.
2. The Collector-cum-District Magistrate, Nalanda.
3. The Deputy Collector, Land Reforms, Nalanda.
4. The Circle Officer, Asthawan, Nalanda.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shankar Kumar Thakur, Advocate

For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-07-2017

Delay of 93 days in filing of this appeal is condoned.

I.A. No. 3274 of 2017 stands allowed and disposed of.

2. Seeking exception to an order dated 25.11.2016
passed by the learned Writ Court in C.W.J.C. No. 5439 of 2015, this



appeal has been filed under Clause 10 of the Letters Patent.

3. Appellant filed the writ petition in question with regard to alleged encroachment on his land bearing Khesra No. 1493 and 1490.

4. As far as land bearing Khesra No. 1493 is concerned, relief has been granted to the appellant and appellant has no grievance with regard to the same. As far as Plot No. 1490 is concerned, the learned Writ Court found that the same stands entered in the record as a “Gair Majarua Aahar” in the records of right and, therefore, nobody can be allowed to be benefited with regard to such land in the garb of Section 6 (c) of the Bihar Public Land Encroachment Act, 1956.

5. The learned Writ Court found that the appellant has not been able to establish any case warranting interference with respect to Plot No. 1490 and the contention of the appellant has been rejected and for regularizing the encroachment in the public land placing reliance on the judgment of the Supreme Court in the case of **Hari Ram Vs. Jyoti Prasad and another- (2011) 2 SCC 682** and **Jagpal Singh and others Vs. State of Punjab and others- (2011) 11 SCC 396**, it has been held by the learned Writ Court that encroachment on public land in a village or Gram Panchayat cannot be regularized by the authority.

6. Accordingly, finding the learned Writ Court to have



rightly rejected the claim of the appellant for regularizing the encroachment in a Gair Majarua Aahar, a public land, the learned Writ Court has not committed any error warranting interference. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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