

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10628 of 2016

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Satayendra Narain Mishra, S/o Sri Shiv Chandra Mishra, resident of village -
Kamalua, P.S. Malahi, District - East Champaran (Motihari)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The Circle Officer, Areraj, District East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Prasad, Advocate

For the Respondent/s : Mr. Amarendra Kumar, AC to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-05-2017

Inter alia contending that in a public road in village Kamalua under Malahi Police Station in the District of East Champaran, Motihari, various anti-social elements and strongmen have committed encroachments and seeking removal of the same, this writ petition has been filed.

An objection by way of counter affidavit has been filed by the Circle Officer, Areraj, East Champaran, Motiahri and it is indicated



by him that no specific details of the encroachment, plot number, the area and the other details required for taking action are indicated in the petition and only contending that in a public road in the village in question there are encroachments, the writ petition has been filed. The competent authority expresses inability to take action in the absence of specific particulars being made available.

We find the aforesaid objection of the Circle Officer to be correct and on a scanning of the writ petition, it is clear that except for making vague allegation to say that there are encroachments in a public road in the village in question, no specific particulars of the encroachment are indicated, this petition is liable to be dismissed and we, accordingly, dismiss the writ petition on account of the aforesaid facts.

However, liberty shall be available to the petitioner to take recourse to the remedy available under the Bihar Public Land Encroachment Act, 1956 by filing an appropriate application before the statutory authority giving particulars of the encroachment and if such an application under the statutory provision is filed, the statutory authority may look into the grievance of the petitioner.

With the aforesaid liberty to the petitioner finding no case for taking cognizance is made out in the manner the petition has been



filed, the petition is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	04.05.2017
Transmission Date	

