

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17473 of 2016

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1. Binay Singh Son of Late Bal Gobind Singh, resident of Mohalla- Raja Bazar, (Salempur Dumra) Khagari, P.S.- Shastrinagar, Circle Patna Sadar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development Department Govt. of Bihar, Patna.
3. The Municipal Commissioner, Patna Municipal Corporation, Patna.
4. The Divisional Commissioner, Patna.
5. The District Magistrate, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Station In-charge, Shastri Nagar, Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Nath Mishra, Advocate

For the Respondent/s : Mr. Ajay-GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-08-2017

From the averments made by the Executive Officer, Patna Municipal Corporation, respondent No.3 in the counter affidavit filed and in particular the averment in para 4, it is clear that there is encroachment in the area. Certain persons have constructed temporary and even permanent constructions in the area and the respondent has taken action with the Circle Officer, Sadar, Patna for removal of encroachments from the area in question.

Keeping in view the aforesaid, the statutory authority



namely the Circle Officer and the administrative officers, discharging statutory functions under the Bihar Public Land Encroachment Act, are directed to register a case under the statutory provisions and take steps for removal of encroachment in the area in accordance with law after following the due process including hearing the persons concerned who have encroached and take steps for removal of encroachment in accordance with law, preferably within six months from the date of receipt/production of a copy of this order.

With the aforesaid, the application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.8.2017
Transmission Date	N/A

