

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16074 of 2016**

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Amrita Devi, Wife of Shri Abhay Kant Sharma, resident of Village Dakshingaon,  
P.S. Wazirganj, District- Gaya

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Chief Secretary, Bihar, Patna.
3. The Principal Secretary, Department of Education, Bihar, Patna.
4. District Magistrate, Gaya.
5. Superintendent of Police, Gaya.
6. Sub-Divisional Officer, Sadar Sub-Division, Gaya.
7. Circle Officer, Wazirganj, District- Gaya.
8. Headmaster, Middle School, Dakshingaon, P.S. Wazirganj, District- Gaya.
9. Devanand Prasad, Son of Late Prabhu Mahto, resident of Village Dakshingaon,  
P.S. Wazirganj, District- Gaya.

.... .... Respondent/s

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**Appearance:**

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.  
For the Respondent/s : Mr. Sunil Kumar, AC to GA-12.  
For Respondent No.9 : Mr. Sunil Kumar Singh-10, Advocate.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

**Date: 20-01-2017**

The petitioner has sought a writ of mandamus commanding and directing the respondents authorities to remove encroachments made by private respondent no.8 over the land of Middle School, Dakshingaon, P.S.-Wazirganj, District-Gaya.

We find that the question as to whether the possession of respondent no.8 is unauthorized or not, is a disputed question of fact. There is efficacious alternative remedy available to the petitioner in terms of Bihar Public Land Encroachment Act, 1956 to



seek removal of encroachments on the alleged public land.

In view of the said fact, the present petition is disposed of with liberty to the petitioner to avail the alternative remedy provided under the aforesaid Act. As and when such remedy is availed by the petitioner, the competent authority shall decide the same expeditiously in accordance with law.

**(Hemant Gupta, ACJ)**

**(Sudhir Singh, J)**

Mishra/-

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