

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19771 of 2015

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1. Ravindra Paswan, son of Late Chalitra Paswan.
 2. Om Prakash Paswan, Son of Late Binda Paswan.
 3. Aslok Paswan, Son of Babu Lal Paswan.
 4. Tuntun Bihari, Son of Late Ramashish Paswan.
 5. Surendra Paswan, Son of Late Shiv Nandan Paswan.
 6. Sarwan Paswan, Son of Late Chhotu Paswan.
 7. Samir Kumar, Son of Late Yogendra Paswan.
- All resident of Village Dhira, P.O.-Sirsi Dhira, P.S.-Harnaut, District-Nalanda.

.... Petitioners

Versus

1. The State of Bihar.
2. The District Magistrate, Nalanda, Biharsharif.
3. The Superintendent of Police, Nalanda, Biharsharif.
4. The Sub-Divisional Officer, Nalanda, Biharsharif.
5. The Land Reforms Deputy Collector, Nalanda, Biharsharif.
6. The Circle Officer, Harnaut, District Nalanda, Biharsharif.
7. The Inspector of Police, Noorsarai, Circle Noorsarai, District-Nalanda.
8. The O/c. of Kalyanbigha Police Station, District- Nalanda, Biharsharif.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Jitendra Kumar, Advocate.
Mr. Kiran Sinha, Advocate.

For the State : Mr. Himanshu Kumar Akela, AC to PAAG-2

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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: 18-01-2017

The petitioners have invoked the writ jurisdiction of this Court for direction to the respondent Nos. 2 and 6 i.e. The District Magistrate and the Circle Officer to remove the unauthorized and illegal possession over the land which is *Gairmazarua Aam*, Plot No. 1916, Thana No.207, Area 17½ katha situated at Village-Dihra, P.O.-Sirsi Dihra, P.S.-Kalyanbigha (Harnaut), District-Nalanda at



Biharsharif.

2. We find that the present petition in public interest is not the adequate remedy to issue any direction, when there is likelihood of disputed questions of fact regarding possession. There is efficacious alternative remedy available to the petitioners in terms of Bihar Public Land Encroachment Act, 1956, wherein the disputed question of fact as whether there is encroachment on the public land or not can be adequately addressed.

3. In view of the said fact, we do not find any cause to entertain the present writ application. Accordingly, the same is dismissed.

4. It shall be open to the petitioner to invoke the jurisdiction of the Collector under the aforesaid Act for removal of the alleged encroachment over the land in accordance with law.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	24.01.2017
Transmission Date	

