

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7795 of 2014

=====

Birendra Kumar Singh, Son of late Ramchandra Prasad Singh, Resident of
Mohalla-Bangali Para, P.S.-Rajgir, District-Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda.
3. The Sub-Divisional Officer, Rajgir, District-Nalanda.
4. The Circle Officer, Rajgir, District-Nalanda.
5. The Executive Officer, Nagar Panchayat, Rajgir, District-Nalanda.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey

For the Respondent/s : Mr. Rajiv Roy

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 10-07-2017 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The present writ application has been filed for a
direction to the respondents to get removed, the encroachment
made by several persons including one Dulli Upadhyay over the
public land.

It is alleged that one Dulli Upadhyay is constructing
his house without approval of the map from the Nagar Panchayat
and has made projection on the public land under Rajgir Nagar
Panchayat. The Sub-Divisional Officer, Rajgir, the respondent
no.3, vide letter dated 31.08.2013, as contained in Annexure-3,
directed the respondent no.4 to get all the projection removed but



the same has not been removed. Now, learned counsel for the petitioner confines his prayer for disposal of his representation dated 26.09.2013, as contained in Annexure-5, submitted by the petitioner before District Magistrate, Nalanda, respondent no.2.

It is not in dispute that the projection, if any, which has been made within the jurisdiction of Rajgir Nagar Panchayat on a public road has been sought to be removed by the petitioner. But, there is nothing on record to suggest that any representation has been made to the Executive Officer, Nagar Panchayat, Rajgir. Moreover, the person who has made such projection on the public land has also not been made party respondent in the present proceeding.

In the circumstances, this writ application is disposed of with a liberty to the petitioner to file an appropriate representation before the Executive Officer, Nagar Panchayat, Rajgir within a period of four weeks, who will dispose of the same with speaking order within a period of six weeks, after giving due opportunity of hearing to all affected persons.

Arvind/-

(Dinesh Kumar Singh, J)

U			
---	--	--	--

