

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12262 of 2013

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1. Ajay Kumar Singh, Son of Late Dhudheshwar Singh, Resident of Village
- Jasoiya, P.S. And District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Aurangabad
3. The Sub-Divisional Officer, Aurangabad
4. The Executive Officer, Aurangabad Municipal, Aurangabad
5. Sri Jagdish Panday Son of Late Ram Ratan Pandey Resident of Mohalla
Baratpur , Karma Road, P.S. & District - Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv

For the Respondent/s : Mr. A.C. to AAG-9.

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

2 21-04-2017 Heard learned counsel for the petitioner and A.C.

to AAG-9, learned counsel appearing on behalf of respondent nos.

1 to 4.

The respondent no. 5, is a private respondent,

hence this Court does not intend to issue notice to respondent no.

5, in view of the nature of dispute, which does not come within the

purview of Bihar Public Land Encroachment Act, 1956.

Learned counsel for the petitioner, prays for and is

allowed to make correction in paragraph no. 1 of the writ

application.

The present application has been filed for issuance



of a direction to remove the encroachment made by respondent no. 5, as got reflected from the measurement report submitted by Anchal Amin in Measurement Case No. 01 of 2001-02 (Annexure-1). It clearly suggests that respondent no. 5, who is the owner of the land appertaining to Thana No. 559, Plot No. 5, which is adjacent to the land of the petitioner appertaining to Plot No. 5, has encroached to the extent of 636 square chain over the plot no. 5 of the petitioner. This is not in dispute that the petitioner claims that his raiyat land has been encroached by private respondent no. 5. Hence, no direction can be issued with regard to the relief sought in the present writ application under Bihar Public Land Encroachment Act, 1956.

Since, it is not in dispute that the land is not a public land, this writ application is disposed of with a liberty to the petitioner to get his land demarcated in an appropriate proceeding before appropriate forum/court in accordance with law.

(Dinesh Kumar Singh, J)

Ranjan/-

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