

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17171 of 2017

=====

Dr. Brajesh Kumar, aged about 73 years, Son of Late Awadhesh Prasad Sharma, resident of Village- Tarwan, Police Station- Naubatpur, District- Patna presently resident in Mohalla- Jagat Narayan Road, Police Station- Kadam Kuan, District- Patna the Social Activist and Representative of Society.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary Water Resources Department, Government of Bihar.
3. The District Magistrate-cum-District Collector, Patna.
4. The Senior Superintendent of Police (SSP), Patna.
5. The Executive Engineer, Sone Canal Division, Khagaul, District- Patna.
6. The Sub Divisional Officer (S.D.O.) Sone Canal Division, Vikram, Police Station- Vikram, District- Patna.
7. The Circle Officer, Naubatpur, Police Station- Naubatpur, District- Patna.
8. The Incharge Police Station, Police Station- Naubatpur, District- Patna.
9. Jhala Yadav, Son of Chaitu Yadav,
10. Dhunmun Yadav, Son of Ramesh Yadav.
11. Bathindra Yadav.
12. Luxman Yadav, Both sons of Late Lalan Yadav, All residents of Village- Tarwan, Police Station- Naubatpur, District- Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajoy Kumar Chakraborty, Advocate
For the Respondent/s : Mr. Binay Kumar Pandey, GA- 2

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 29-11-2017

Keeping in view the nature of grievance made pertaining to encroachment by respondent nos. 9, 10, 11 and 12 in the Government land in question bearing Plot No. 1540, Mauza Bichhedi, Thana No. 150 and considering the fact that a complaint has already been made to the District Administration, we direct that on the petitioner's filing of a certified copy of this order along with a



detailed complaint before respondent no.7, the respondent no.7 shall register a complaint as one under Bihar Public Land Encroachment Act and to proceed to remove the encroachment in accordance with law. It may be clarified that before taking action in the matter, the respondent no.7 shall follow the process of law and issue notice to all concerned, hear them and thereafter decide the matter preferably within a period of six months from the date of receipt/production of certified copy of this order.

In case, the trees are being cut off against the statutory law, the petitioner may file statutory appeal before the competent authority.

With the aforesaid observations and direction, this application stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.12.2017
Transmission Date	NA

