

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.678 of 2017

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Satyendra Kumar Singh, Son of Late Ram Jatan Singh, Resident of
Village- Amra, P.S.- Konch, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar,
Patna.
3. The District Magistrate, Gaya.
4. The District Superintendent of Police, Gaya.
5. The Sub-Divisional Officer, Tekari, Gaya.
6. The Deputy Collector Land Reforms, Tekari District- Gaya.
7. The Circle Officer, Konch, District- Gaya.
8. The Station House Officer, Konch Police Station, District- Gaya.
9. Basant Dusadh, son of Late Barat Dusadh.
10. Mukesh Dusadh, Son of Basant Dusadh, Both are resident of Village-
Amra, P.S. Konch, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Manish Kumar(GP-4)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 21-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner has approached this Court for a
mandamus directing the respondents concerned to give protection
to the property of the petitioner. Petitioner claims that his land has
been illegally captured by some miscreants. He has also a
grievance that some lands which are in the nature of public land
have been encroached, but the Circle Officer, Konch who has been



apprised of such encroachment of public land is sitting idle and not taking interest in the matter of removal of those encroachments.

On the other hand, learned counsel representing the State submits that so far as illegal or forceful capture of the land of the petitioner is concerned, he will have a remedy under the common law by filing a suit wherein his title or possession maybe decided by the appropriate court, but the jurisdiction of the Constitutional Court cannot be invoked for that purpose. It is further submitted that if the Circle Officer, Konch is apprised by filing an appropriate application under the relevant provisions of the Bihar Public Land Encroachment Act, then definitely he will take appropriate steps.

I find force in the submission of the learned counsel for the State. The petitioner may seek his remedy as regards his title and possession over the property before the competent court of law in a duly constituted proceeding, but this Court, being a Constitutional Court, cannot go in to the issues raised as regards the dispute over the property of the petitioner. So far as his grievance against the encroachment made on a public land is concerned, the Circle Officer, Konch is directed to examine the representation/application of the petitioner if filed within a period



of four weeks from today under the appropriate provisions of the relevant law and take all remedial measures after giving an opportunity of hearing to the parties concerned. Such decision must be taken within a period of four months from the date of receipt/production of a copy of this order.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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