

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.746 of 2017

=====

Kedar Singh, son of Late Nathunia Singh, Resident of Village- Bensagar,
P.O.- Mednipur, P.S.- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector of the District Rohtas.
2. The Sub Divisional Officer, Sasaram, Rohtas.
3. The Circle Officer, Circle Dinara, District- Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. Fakhruddin Ali Ahmad, AC to A.A.G-12

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 05-09-2018 By this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate order to quash or set aside the impugned notice issued in Encroachment Case No. 1/2013-14, dated 10th December, 2015, issued by the Circle Officer, Dinara, Rohtas.

It is not in dispute that the encroachment made by the petitioner has already been removed by the appropriate authority after following due procedure under the provisions of the Land Encroachment Act. The only contention raised on behalf of the petitioner is that there are other similarly situated encroachers and at the relevant time only the encroachment made by the petitioner has been removed and, therefore, the action of the



respondent-authorities in removing the encroachment of the petitioner is in discrimination and violation of Article 14 of the Constitution of India. Therefore, it is the case of the petitioner that the encroachment made by others is also required to be removed.

Apart from the fact that such a prayer is not there, as per the catena of the decisions of Hon'ble Supreme Court and this Court, there cannot be negative discretion. If the encroachment is at all made by others are continued, it does not give any license to the petitioner to continue the encroachment. The encroachment made by the petitioner has been removed after passing the order under the Land Encroachment Act.

Under the circumstances, there is no substance in the present petition and the same is required to be dismissed. It is dismissed accordingly.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Skm / Praveen

U			
---	--	--	--

