

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11590 of 2006

Subhash Kumar Ojha, son of late Anant Ojha, Resident of Ward No 23,
Mohalla – East Sohanipatti, PO & PS – Buxar (T), District - Buxar

... .. Petitioner/s

Versus

- 1 The State of Bihar
- 2 The Collector -cum- District Magistrate, Buxar, District – Buxar
- 3 The Sub Divisional Officer, Buxar
- 4 The Executive Officer, Buxar Nagar Parishad/Buxar Municipality, Buxar
- 5 Dudh Nath Paswan, son of Musfafir Paswan, R/o Mohalla – East Sohanipatti, Ward No 23, PO & PS & District - Buxar

... .. Respondent/s

For the Petitioner/s : Mr M K Sinha, Advocate

CORAM: HONOURABLE DR JUSTICE RAVI RANJAN
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE DR JUSTICE RAVI RANJAN)

Date : 05-10-2018

Heard learned counsel for the petitioner.

This writ petition has been filed for direction to respondent-authorities for removing encroachment from over Plots No 3209, 833, 834, 835 situated at Ward No 23 in Mohalla – Sohanipatti under Buxar Nagar Parishad which, according to him, is *Aam Rasta* under the Municipal map.

However, counter affidavit has been filed on behalf of respondent-Nagar Parishad appending the map to show that it is not an *Aam* public land or municipal land. Municipality is not



claiming over it. It is contended that it is a private land. To the contrary, learned counsel for the appellant has not been able to demonstrate from any authentic map etc that the said plot is *Aam Rasta*. The stand of the Nagar Parishad is that it is a private *Gali* on the private land on which the Municipality does not have any concern.

Private respondent has also appended copy of the sale deed by which he had purchased Plot No 3290 etc and had constructed house.

In such a situation, we do not have any material before us to hold it a public land and direct for removal of encroachment under Bihar Public Land Encroachment Act, 1956.

As a result, this writ petition is dismissed.

(Dr Ravi Ranjan, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2018
Transmission Date	NA

