

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11177 of 2011

=====

Krishna Mohan Pandey @ Krishna Murari Pandey S/o Late Basisth Narayan
Pandey R/o Vill.- Goah, P.S.- Goah, Distt.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate-cum-Collector, Aurangabad
2. Superintendent of Police, Aurangabad
3. Circle Officer, Goah Block, Aurangabad
4. Officer In Charge, Goah Police Station, Distt.- Aurangabad
5. Executive Engineer Public Works Department, Aurangabad
6. Arvind Pandey S/o Late Raghunath Pandey R/o Vill.- Goah, P.S.- Goah,
Distt.- Aurangabad
7. Anil Pandey S/o Late Raghunath Pandey R/o Vill.- Goah, P.S.- Goah, Distt.-
Aurangabad
8. Ashok Pandey S/o Late Raghunath Pandey R/o Vill.- Goah, P.S.- Goah,
Distt.- Aurangabad

... .. Respondent/s

=====

For the Petitioner/s	:	Mr Sumit Kumar Singh, Advocate
For the S t a t e	:	Mr Nishant Kumar Jha, AC to SC XXVIII
For Respondents No 6 to 8:	:	Mr Gajendra Kumar Singh, Advoca

=====

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

ORAL JUDGMENT

(Per: HONOURABLE DR JUSTICE RAVI RANJAN)

Date : 12-10-2018

Heard learned counsel for the petitioner, State and the
private respondents.

2 Through this writ petition, the petitioner alleges that
Plot No 2171, which is *Aam Rasta* (land) belonging to Public
Works Department, has been encroached by respondents No 6 to 8
and due to that ingrace and egress from the lands of the petitioner
has been obstructed.



3 In view of the nature of allegation, we would grant liberty to the writ petitioner to approach the District Magistrate, Aurangabad who will either take up this matter himself or relegate it to the competent forum so that it could be first assessed prima facie as to whether the concerned land is a public land or not and if it is found that it is a public land and further that it has been encroached by some body, then a proceeding under the Bihar Public Land Encroachment Act, 1956 would be required to be initiated.

4 That proceeding should be brought to its logical conclusion within a period of four months from the date of filing of such petition.

5 It is further made clear that no final order of removal of encroachment should be taken without granting reasonable opportunity to all the concerned including the private respondents.

6 This disposes of the writ petition.

(Dr Ravi Ranjan, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2018
Transmission Date	NA

