

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5431 of 2011

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Hari Narayan Mahto Son Of Late Jageshwar Mahto Residence Of Village -
Bosouna, P.O. - Bhuswar, Block - Bibhuti Pur, District - Samstipur

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate Samastipur
3. The Sub-Divisional Officer Rosra Dist. Samstipur
4. The Circle Officer Bibhutipur, Dist. Samastipur
5. Narayn Mahto Son Of Late Paltu Mahto Residence Of Village - Bosouna,
P.O. - Bhuswar, Block - Bibhuti Pur, District - Samstipur

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto
For the Respondent/s : Mr. Jitendra Kumar, AC to AAG

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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 and the
learned Counsel for the State.

The petitioner through this writ petition seeks
removal of encroachment from the public land of Khata No.
121, Khesra No. 1612, area 10 decimal of Mauja Basouna,
Block Bibhutipur, District Samastipur.

It is contended that the Circle Officer himself
found encroachment on the basis of measurement done vide
Annexure 1 having been filed by the petitioner. It is also
contended that the Anchal Adhikari has written to the Sub



Divisional Officer for taking action.

In our view, under the Bihar Public Land Encroachment Act, 1956, since the Circle Officer is also empowered to take a decision in accordance with law. Accordingly, let him first decide whether there is any encroachment upon the public land as per the complaint made by the petitioner vide Annexure 1 and thereafter take necessary steps after registering a case and bring the case to its logical conclusion within a period of six months from the date of receipt/production of a copy of this order.

We make it clear that no order should be passed adverse to anybody without granting reasonable opportunity to him including the respondent No. 5.

With the aforesaid observation and direction this writ application stands disposed of.

(Dr. Ravi Ranjan, J.)

(Madhuresh Prasad, J.)

SNkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

