

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.717 of 2018

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Ramsharan Kumar, s/o late Shivratan Lal, r/o Anandbazar, P.S. Danapur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate -cum- Collector, Patna.
4. The Sub-Divisional Officer, Danapur, Patna.
5. The Circle Officer, Danapur, Patna.
6. Munna Ram, S/o Late Mallu Ram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Respondent/s : Mr. Rakesh Kr. Shrivastava, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 02-11-2018

Heard Mr. Patanjali Rishi, learned counsel appearing for the petitioner and Mr. Rakesh Kumar Shrivastava, learned Assisting Counsel to Government Pleader No.15 for the State.

Although the petitioner complains of encroachment but a counter affidavit is filed and according to the State, the land in question lies in the cantonment area.

Apart from the stand taken by the State, we also notice that even though the petitioner complains of encroachment over a public land which may be falling under the cantonment area but he has not



discharged the obligation which is cast on a complainant under the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘the Act’)

A proceeding under ‘the Act’ is to be initiated by statutory application which is missing in the present case. The petitioner, if so advised, can take recourse to the procedure as provided under ‘the Act’ but considering the nature of complaint enclosed herein which is not a statutory application, the choice is of the petitioner and, if so advised, he can take recourse to the same.

With the observation aforementioned, the writ petition is disposed of.

(Jyoti Saran, J)

(Nilu Agrawal, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

