

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18327 of 2016

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Bishwanath Tiwari Son of Late Gopal Prasad Tiwari Resident of village -
Bishunpur Jiv Narayan, P.S. Paroo, District Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Muzaffarpur
3. The Circle officer, Paroo, Muzaffarpur
4. The Anchal Amin, Paroo Circle, Muzaffarpur
5. Mahesh Tiwari Son of Parshuram Tiwari Resident of village - Bishunpur Jiv Narayan, P.S. Paroo, District Muzaffarpur
6. The Commissioner-Cum-Arbitrator, Patna Division, Patna.
7. The District Magistrate-Cum- Collector, Kaimur (Bhabua).
8. The Competent Authority-Cum-District Land Acquisition Officer, District-Kaimur(Bhabua).
9. The Superintending Engineer, Department of Building Construction ,Building Circle, Ara,District- Bhojpur(Bihar).
10. The Executive Engineer, Building Construction Department, Building Division, Bhabua, District- Kaimur(Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Respondent/s : Mr. Sajid Salim Khan-SC25

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

(Per: HONOURABLE THE CHIEF JUSTICE)

5 13-09-2018 By way of this petition under Article 226 of the

Constitution of India the petitioner has prayed for an appropriate

writ/order directing the respondent-authorities to remove the



illegal encroachment made by the private-respondent No. 5 upon the public road land pertaining to Khata No. 240, Khesra No. 1260 situated in Village – Bishunpur Jiv Narayan, P.S. and Circle Paroo Revenue Thana No. 316 District – Muzaffarpur.

From perusal of the records, it appears that the District Magistrate found that the case appears to be mixed up of private/public property disputes. The District Magistrate observed that as to the private nature of the property dispute, the Court cannot proceed any further for want of jurisdiction. The District Magistrate further observed that so far as encroachment of public land is concerned, the remedy lies in an anti-encroachment proceeding to be drawn up by the Circle Officer.

It appears that thereafter though the Circle Officer directed the Amin to have the measurement so as to ascertain on which public road/land, encroachment has been made. However, it appears that thereafter nothing further has been done.

In view of the above, we dispose off the present writ petition by directing the Circle Officer to register a case as Encroachment Case under the provisions of Bihar Public Land Encroachment Act, 1956 with respect to the encroachment made on any public road/land and the same may be concluded within a period of six months from today and pass a final order after



giving opportunity to all concerned in accordance with law and on its own merits.

With the aforesaid observation/direction, the present petition stands disposed off.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

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