

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19130 of 2017

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Md. Sabir Ali, son of Shekh Mujibur Rahman, resident of Village- Machchha Pakauni, P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department Home, Govt. of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub- Divisional Officer, Sitamarhi Sadar.
4. The Deputy Collector Land Reforms Sadar, Sitamarhi.
5. The Director General of Police, Bihar, Patna.
6. The Superintendent of Police, Sitamarhi.
7. The Sub Divisional Police Officer, Sitamarhi.
8. The Circle Officer, Parihar Circle Officer District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate
For the Respondent/s : Mr. P.K.Verma -AAG 3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-08-2018 *Inter alia* contending that a temple is being constructed in a public land bearing Khata No.647, Khesra No.812, area 1.82 acres situated in Village Machchha Pakauni P.S. Parihar District Sitamarhi, this writ petition has been filed in public interest under Article 226 of the Constitution.

Apart from the fact that the particulars of the persons, who are constructing temple, are not indicated in the body of the writ petition, as objected to by Sri P. K. Verma, learned Senior Counsel, we find that if there is no encroachment in the public land or the area, as is indicated in the writ petition, remedy lies



in raising the complaint before the Circle Officer under the Bihar Public Land Encroachment Act and it is for the Circle Officer to proceed to remove the encroachment in accordance with law.

Accordingly, in case, a properly constituted complaint or application is filed under the Bihar Public Land Encroachment Act, the Circle Officer shall proceed to discharge the same in accordance with law after hearing all concerned, preferably within a period of six months.

With the aforesaid, the matter stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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