

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12217 of 2018

Surendra Choudhary

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Respondent/s : Mr. Yogendra Prasad Sinha -AAG7

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 09-07-2018

Heard Mr. Rajesh Kumar Sinha, learned counsel for the petitioner and Mr. Rakesh Ambastha, learned AC to AAG 7 for the respondent-State.

Though, the present writ application was registered on 29.06.2018, but in view of the nature of order this Court intends to pass, this Court is not inclined to adjourn the matter any further.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the public land/road, which is situated adjacent to the raiyati land of the petitioner, appertaining to Thana No. 441, Khata No. 1524, Plot No. 4558, situated in Nokha, District Rohtas, over which, some toilets are being constructed on behalf of Respondent No.5, the Circle Officer-cum-Executive Officer, Nagar Parishad, Nokha.



From the materials on record, it does appear that any application was submitted before Respondent No.5, the Circle Officer, Nokha for removal of the encroachment from the public land in question or for not making unauthorized construction over the public road.

It is submitted by learned counsel for the petitioner that the petitioner is not raising any issue with regard to encroachment made over the raiyati land of the petitioner and he confines his prayer only to the extent of encroachment made over the public land in question.

In the circumstances, learned counsel for the petitioner is permitted to submit an application before Respondent No.5, the Circle Officer, Nokha within a period of three weeks from the date of receipt/production of a copy of this order, whereupon it is expected from Respondent No.5, the Circle Officer, Nokha to examine the Revenue Records and if need be, conduct spot verification, whereupon if it appears to him that the land in question is a public land and the same has been encroached upon, then he will initiate a proceeding forthwith, if the same has already not been initiated, and will take such proceeding to its logical conclusion within a period of three months from its initiation, after giving due opportunity of hearing to all affected persons including



the petitioner, in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

