

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18546 of 2018

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Heera Paswan, Son of Late Lakhan Paswan @ Ram Lakhan Paswan, Resident of
Village- Kesopur, P.S.- Telhara, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Administration Home Department, Bihar, Patna.
2. The Commissioner, Patna Commissionery, Patna.
3. The District Magistrate, Nalanda District- Nalanda.
4. The Sub-Divisional Officer, Hilsa, District- Nalanda.
5. The Circle Officer, Ekangar Sarai, District- Nalanda.
6. Dilip Paswan, Son of Late Ashok Paswan,
7. Udit Paswan, Son of Late Ashok Paswan,
8. Panjit Pawan, Son of Suresh Paswan,
9. Jai Ram Paswan, Son of Late Bahadur Paswan,
10. Mukhiya Deo Paswan, Son of Late Bahadur Paswan,
11. Ram Pravesh Paswan, Son of Late Ram Lakhan Paswan,
12. Surendra Paswan, Son of Keshar Prasad

All 6 to 12 are residents of Village- Keshopur, P.S.- Telhara, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.

For the Respondent/s : Mr. Anil Kumar, AC to SC-8.

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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: 12-10-2018

Heard Mr. Yogesh Chandra Verma, learned senior counsel
appearing for the petitioner and Mr. Anil Kumar, learned Assisting
Counsel to Standing Counsel No.8 for the State.

Though the petitioner complains of encroachment on a
public land which is in the nature of public road lying across the house
of the petitioner situated on a plot bearing bearing khata no.125, Khesra
no.857, Mauza Kesopur, P.S.- Telhara in the district of Nalanda but we
find from the proceeding that except for a representation before the



Circle Officer to get the land measured for ascertaining such kind of encroachment, no application is filed for removal of the encroachment. An obligation under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘the Act’) is cast on every person who charges any other for encroachment on public land and for which he needs to file a duly constituted application not only arraigning the alleged encroachers but also explaining the extent of encroachment to enable the statutory authority under ‘the Act, to move forward on the application for its disposal.

The petitioner having not discharged this obligation, the writ petition is disposed of with liberty to the petitioner to take recourse to the remedy so available to him under ‘the Act’ by filing an appropriate application before the statutory authority under ‘the Act’ and it goes without saying that any such application being filed by the petitioner would be considered and disposed of by the Collector under ‘the Act’ in accordance with law and after opportunity of hearing to all concerned.

(Jyoti Saran, J)

(Nilu Agrawal, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26-10-2018
Transmission Date	NA

