

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15362 of 2016

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Md Mojahid son of Late Md. Salimuddin resident of Village- Karichak
Chhapaki, Police Station- Beerpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Begusarai.
4. The Sub Divisional Officer, Begusarai.
5. The Circle Officer, Barauni, District- Begusarai.
6. Athar son of Late Rahman resident of Village- Chhapaki, Police Station- Beerpur, District- Begusarai.
7. Md. Mohidin son of Late Aslim Mian
8. Dr. Abu Bakar son of Late Isha 7 and 8 are resident of Village- Karichak Chhapaki, Police Station- Beerpur, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Rishi Raj Sinha- SC-19

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 29-04-2019 Heard learned counsel for the petitioner and learned
counsel, appearing on behalf of the respondents.

The petitioner is aggrieved under the system covered by law, the every authority exercising their power and discretion is a trustee and not authorized to act contrary to the procedure prescribed under the Bihar Public Land Encroachment Act, 1956. Every authority is vested with the power and obligation to follow procedure. It is not a private affairs that the authorities may call for report and pass any order under encroachment



proceeding. For removal of encroachment a case has to be registered and after hearing the encroachers alleged, the Circle Officer, Barauni, is required to pass appropriate order for removal of encroachment, if there is any encroachment over the public land. No such procedure was followed in the instant case and as such the Court is not inclined to accept the submission of petitioner that there is some report with regard to encroachment over the public land and as such this Court should issue direction for removal of encroachment. The petitioner is advised to approach the Circle Officer for registering a regular case for removal of encroachment and the Circle Officer, Barauni, is required to register the encroachment case and after giving opportunity of hearing to the alleged encroachers, pass the order, in accordance with law. Necessary decision after registration of regular case for removal of encroachment be taken by the Circle Officer, Barauni, within a maximum period of six months from the date of receipt/production of a copy of this order.

With the aforesaid observation, this application stands disposed of.

Ashish/-

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(Anil Kumar Upadhyay, J)

