

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3626 of 2018

1. Kundan Kumar son of Sri Parmanand Singh.
2. Santosh Kumar son of Sri Manoj Singh.
3. Arun Kumar son of Late Alakhdeo Singh.
4. Ranvijay Prasad son of Ramkripal Singh.
5. Sanjay Kumar, son of Late Ramswarup Singh,
All are Resident of Village- Dhurihar, Post- Pachadha, Police Station- Hisua,
District- Nawadan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Nawada.
5. The Deputy Development Commissioner, Nawada.
6. The Circle Officer, Hisua, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, No-2, Adv.
For the Respondent/s : Mr. Vinay Kriti Singh, GA-2

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 28-06-2019 Heard the parties.

The petitioners complain of encroachment over plot of land situated in village Dhurihar, Police Station- Hisua in the district of Nawada which is in the nature of Canal and being used for irrigational purpose.

Although learned counsel for the petitioners refers to



a representation to espouse the cause of the petitioners but bearing note of the stipulations present in the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), we are of the opinion that the complainant would be required to file a duly constituted application by not only arraigning the alleged encroachers but also pointing out the level of encroachment. The petitioners have failed in this obligation.

In such situation, we give liberty to the petitioners to approach the respondent no. 6 with duly constituted application as mandated under 'the Act' and explained above and it goes without saying that any such application filed would be considered and disposed of in accordance with law by the respondent no. 6 with due opportunity of hearing to the petitioners as well as the alleged encroachers, preferably within six months of its filing.

With the observations above, the writ petition is disposed of.

(Jyoti Saran, J)

(Partha Sarthy, J)

Anjula/Surendra

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