

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3809 of 2019

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Bhagavan Saw, aged about 60 years, male, S/o- Chethru Saw, R/o- At+P.O.+
P.S.-Paliganj, Dist-Patna Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Reforms Department, Govt. of Bihar, New Secretariat, Bailey road, Patna-800015
2. The District Magistrate, District Collector at office, District-Patna-800003
3. The Sub-divisional Officer, Sub-Division-Paliganj, District-Patna
4. The Deputy Collector of Land Reforms (D.C.L.R), Sub-Division-Paliganj, District-Patna
5. The Block Development Officer, Block-Paliganj, District-Patna
6. The Circle Officer, Circle-Paliganj, District-Patna
7. Ajmal Hussain S/o Late Leyakat Hussain R/o- Village+Post+P.S.-Paliganj, District-Patna

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Jayram Sharma, Adv.
For the Respondent/s : Mr. Anshuman Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 26-02-2019

Heard the parties.

The petitioner complains of encroachment on a public land by the private respondent no. 7.

Mr. Anshuman Singh, learned AC to AG while raising preliminary objection on the maintainability submits that the remedy is much available to the petitioner under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') and if so advised, the petitioner can take recourse thereto.



Learned Counsel for the petitioner admits that except representation there is nothing on record to show that whether the provisions of 'the Act' has been invoked.

In such circumstances, we deem it proper to dispose of the writ petition with the liberty to the petitioner to take recourse to the remedy available to him under the provisions of 'the Act' and it goes without saying that any such application filed by the petitioner before the Collector under 'the Act' i.e. respondent no. 6 by arraigning encroachers and explaining the extent of encroachment would be considered and disposed of in accordance with law by the respondent no. 6 after giving opportunity of hearing to the encroachers as well as the petitioner which disposal should preferably take place within six months of filing of such application.

This disposes of the writ petition.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Archana/
Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.03.2019
Transmission Date	NA

