

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1071 of 2018

Uchit Mahto Son of Late Palo Mahto, resident of Village- Bhawanipur, P.O. Dighri, P.S.- Surjagarha, District- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. Principal Secretary Rural Development Department Govt. of Bihar, Patna.
3. Commissioner, Munger.
4. District Magistrate, Lakhisarai.
5. Sub-Divisional Officer, Lakhisarai.
6. Block Development Officer, Lakhisarai.
7. Circle Officer, Surajgarha, Lakhisarai.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Singh, Adv.
For the Respondent/s : Mr. Vikash Kumar- SC 11

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 14-02-2019 Leave is granted to the learned Counsel for the petitioner to correct the serial number of the respondents during course of the day.

Heard learned Counsel for the parties.

The matter relates to alleged encroachment over Plot Nos. 4795, 4785 and 4796 of Khata No. 734, Mauza Slampur, Thana No. 16 admeasuring 20 decimals in the District of Lakhisarai which according to the petitioner is a Gairmajarua Aam Land and in the nature of the public road.

Learned Counsel has invited the attention of this Court to different orders passed on the issue but in our opinion



unless a proper proceeding is initiated under the provisions of Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), a simple order here and there is not going to serve the purpose.

In the circumstances, we allow the petitioner to file an appropriate application before the respondent no. 7 under Section 3 of 'the Act' by arraigning the alleged encroachers as also explaining the encroachment committed and it goes without saying that any such application filed by the petitioner under the provisions of 'the Act' shall be considered and disposed of by respondent no. 7 in accordance with law with due opportunity of hearing to the alleged encroachers as well as the petitioner. In the nature of the complaint made, let the disposal be carried out within six months of the filing of the complaint.

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

(Jyoti Saran, J)

(Arvind Srivastava, J)

Archana/
Surendra/-

U			
---	--	--	--

