

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17624 of 2016

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Arun Kumar, Son of Late Ram Lakhan Sharma, resident of 5/6, North Shri Krishnapuri, Behind Rajesh Petrol Pump, P.S. Shri Krishnapuri, Patna – 800013. ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar, Old Secretariat, Patna-800015
2. The District Magistrate, Patna
3. The Sub - Divisional Magistrate, Sadar, Patna
4. The Senior Superintendent of Police, Patna
5. The City Superintendent of Police Central , Patna
6. The Deputy Superintendent of Police, Sachivalya, Patna
7. The Station House Officer, Shri Krishnapuri Police Station, Patna
8. Shri Pankaj Kumar, Son of Late Bhushan Singh
9. Shri Ashok Kumar Yadav, Son of Late Ajgaibi Yadav
Both residents of Road No. 5, North Shri Krishnapuri, P.S. Shri Krishnapuri, Patna - 800013

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Respondent/s : Mr.Sheoshankar Prasad-Sc8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-04-2019 Heard learned counsel for the petitioner and the respondents.

2. The grievance of the petitioner in the instant case is inaction on the part of the respondents in the matter of registering encroachment case and taking action of removal of encroachment over the public road used by the residents of North Shri Krishnapuri, behind Rajesh Petrol Pump, Patna.

3. The Bihar Public Land Encroachment Act provides a detailed procedure for determination of public road/public



land and for removal of encroachment of public road/public land, the authorities under the Act are under obligation to register a case, if proper application is filed for registering of such case and after registering of the case, the authorities are under obligation to follow the procedure provided the Act and after providing opportunity of hearing to all persons likely to be adversely affected, the authorities are supposed to determine the issue of encroachment and take steps for removal of encroachment.

4. Considering the aforesaid, the present writ application is disposed of with liberty to the petitioner to approach the concerned officials along with a copy of this order and on presentation of proper application, the concerned official under the Act is required to register a case and take appropriate action for removal after opportunity of hearing to the persons likely to be adversely affected.

5. Necessary decision in this regard must be taken by the respondents preferably within a period of six months from the date of filing of such application along with a copy of this order.

(Anil Kumar Upadhyay, J)

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