

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.135 of 2018

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Shatrughan Prasad Singh, S/o- Late Yugal Kishore Singh, resident of Village-
Chilbilli, P.O.- Phulwari, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Civil Surgeon-Cum- Chief Medical Officer, Patna.
6. The Circle Officer, Phulwari, Patna.
7. The Medical Officer, Health Sub Centre, Chilbilli, Phulwari, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, -GA1

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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 : 10-01-2019

Heard the parties.

Matter relates to encroachment over a plot bearing
Khata No. 124, Plot No. 233, having an area of 2 acre 33 decimals,
plot bearing Khata No. 103, Plot No. 226, having an area of 3
katha and plot bearing Khata No. 107, plot No. 230 having an area
of 2 katha, the total area measuring 2 acres 49 decimals situated in
Mauza Chilbilli, P.S. Phulwari, in the District of Patna.



According to the petitioner, of this area, an area of 5 katha is donated by the father of the petitioner for construction of Health Sub Centre. It is his complaint that a large area of this land over which Health Sub Centre, Chilbilli is running, is encroached by the encroachers.

The position is disputed by respondent no.7, Medical Officer, Health Sub Centre, Chilbilli, who denies any encroachment on the area over which Health Sub Centre is running. Such is the statement made in paragraph 7 of the counter affidavit.

In such disputed stand taken, we would grant liberty to the petitioner, if yet so aggrieved by the stand so taken and yet is of the opinion that the encroachment continues, to file an appropriate application under the provisions of the Bihar Land Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') by arraigning the alleged encroachers and also explaining the encroachment done by them and it goes without saying that should any such application be filed by the petitioner in the manner prescribed under 'the Act', the same would be considered by the Collector under 'the Act' and disposed of in accordance with law after opportunity of hearing to the petitioner and the alleged encroachers.



With the aforementioned observation and direction, the writ petition is disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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