

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10523 of 2019

=====

Raghu Bansh Mahto, aged about 63 years, Male, S/o Late Shivji Mahto
Resident of Village-Adalpur,P.S. Patory,Anchal-Patory,Dist.-Samastipur

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Department of Revenue,
Land Reforms, Govt. of Bihar, Patna
 2. That District Magistrate, Samastipur
 3. The Divisional Officer, Patory, Dist.-Samastipur
 4. That D.C.L.R. Patory Dist.-Samastipur
 5. The Circle Officer, Patory, Dist.-Samastipur
 6. Dipu Mahto S/o Daroga Mahto
 7. Dharmnath Mahto S/o Daroga Mahto
 8. Anil Mahto
 9. Prem Mahto
 10. Jitendra Mahto
 11. Kumod Mahto
- All 8 to 11 are father of Dipu Mahto and 6 to 11 Resident of Village-
Adalpur, P.S. Patory, Anchal-Patory, Dist.-Samastipur

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Adv.
For the Respondent/s : Mr. Vinay Kumar Pandey, AC to GA2

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 10-05-2019

Heard the parties.

Waiving of the defect, we take up the matter for
consideration on merits and when we have heard Mr. Deepak
Kumar Singh, learned counsel appearing for the petitioner and Mr.



Vinay Kumar Pandey, learned Assisting Counsel to Government Advocate No.2 for the State.

The petitioner complains against the encroachment existing on a land stated to be Aam Rasta bearing Khata No. 146, Khesra No. 215, Tauzi No. 3962 having an area of 3 dhurs situated in village Mauza Adalpur, P.S., Anchal and Sub-Division Patory in the District of Samastipur by the private respondents.

Except for enclosing representation, there is no other material on record which would confirm that the petitioner has moved the Statutory Authority i.e. respondent no. 5 by filing duly constituted complaint under Section 3 of the Bihar Public Encroachment Act, 1956. There is a representation on record but it does not satisfy the legal requirements.

In such view of the matter, we allow the petitioner to file a duly constituted complaint before the respondent no.5 by arraigning the alleged encroachers and explaining the encroachment and it goes without saying that any such complaint so filed shall be considered and be disposed of by the said Statutory Authority in accordance with law and with due opportunity of hearing to the complainant as well as the alleged encroachers expeditiously and preferably within six months of filing of such complaint.



The writ petition is disposed of with the directions
above.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)0

Anjula/surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2019
Transmission Date	NA

