

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17742 of 2018**

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Madan Prajapati, Son of Sri Binda Prajapati, Resident of Mohalla Mahavir Chabutra, Daudnagar, P.O. and P.S. Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, State of Bihar.
2. The District Magistrate, Aurangabad.
3. The Sub-Divisional Officer, Daudnagar.
4. The Circle Officer, Daudnagar, District Aurangabad.
5. The Officer in Charge, Daudnagar Police Station, District Aurangabad.
6. Smt. Marchi Devi, W/o Sri Laxami Prasad Patwa,
7. Rameshwar Prasad, S/o Satishchand Patwa.
8. Lallu Prasad, S/o Rakeshwar Prasad, All are resident of Mahavir Chabutra Ward No.14, P.O. + P.S.- Daudnagar, District- Aurangabad.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Shailesh Kumar Singh  
For the Respondent/s : Mr.Md.Khurshid Alam, AAG-12

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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 : 19-02-2019**

According to the petitioner, the respondent no. 6 has encroached upon the Government land bearing Khata No. 164, Plot No. 633, Mauza- Daudnagar in the district of Aurangabad. With reference to a representation filed before the District Magistrate, Aurangabad raising such issue, he submits that no action was taken on the grievance raised.

In our opinion, a grievance on encroachment over a public land has to be made before the competent authority under



the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘th Act’) entrusted with such responsibility. That there is nothing on record that the petitioner has filed any application in terms of the provisions underlying the Bihar Public Land Encroachment Act for the present, we only grant liberty to the petitioner to move the appropriate authority underlying ‘the Act’ by filing an appropriate application, arraigning the alleged encroachers and explaining the encroachment and it goes without saying that any such application filed by the petitioner before the Circle Officer, the respondent no.4 would be considered and disposed of in accordance with law with due opportunity of hearing to the encroachers and the petitioner within six months of filing.

The writ petition is, accordingly, disposed of.

**(Jyoti Saran, J)**

**( Arvind Srivastava, J)**

Nasimul/-

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