

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15499 of 2016

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Pramod Sharma Son of late Ram Janam Sharma Resident of Village and P.O. Lattha, P.S. Pauthu, Block- Rafiganj, District Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Aurangabad, Bihar.
3. The Sub-Divisional Officer, Aurangabad.
4. The Circle officer, Rafiganj, Aurangabad.
5. Ram Binay Sharma Son of late Mahendra Sharma Resident of Village and P.O. Lattha, P.S. Pauthu, Block- Rafiganj, District Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amarendra Kumar Singh
For the Respondent/s : Mr.Rishi Raj Sinha-Sc19

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-04-2019 Learned counsel for the petitioner submits that petitioner has already approached the District Magistrate for removal of the encroachment.

Under the Public Land Encroachment Act, it shall be obligation of the authority to take appropriate step for removal of encroachment of land if the authority has determined encroachment over public land. The authorities under the Act have to take appropriate action within the parameters of the Act after following principles of natural justice as well as the procedure prescribed by the Bihar Public Land Encroachment Act. The Court is not supposed to exercise the power ordinary



vested with the authority under the Bihar Public Land Encroachment Act. It is for the authority to take appropriate action for removal of encroachment at the earliest after hearing the all stake holders in the process of removal of encroachment.

Since, the petitioner has already approached the authority under the Bihar Public Land Encroachment Act, no indulgence is required at this stage.

However, liberty shall be available to the petitioner to approach the competent authority under the Bihar Public Land Encroachment Act for expeditious disposal of case. In case petitioner approaches the authority under the Bihar Public Land Encroachment Act, the authority shall take appropriate action for removal of encroachment at the earliest.

With the aforesaid the instant application stands disposed of.

(Anil Kumar Upadhyay, J)

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