

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7144 of 2019

Nandani Sah Son of Ramdeo Sah Resident of Ward No.1 Singhaul, Begusarai
Police Station-Muffasil, District-Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Govt. Bihar, Patna
2. The Collector, Begusarai
3. The Sub-Divisional Magistrate, Begusarai
4. The Anchal Adhikari, Begusarai, District-Begusarai
5. The Municipal Corporation, Begusarai through Municipal Commissioner, Begusarai
6. The Municipal Commissioner, Begusarai
7. Bhushan Paswan Son of Late Brahmdeo Paswan Resident of Ward No.1 Singhaul, Begusarai, Police Station-Muffasil, District-Begusarai
8. Tuntun Paswan Son of Late Balo Paswan Resident of Ward No.1 Singhaul, Begusarai, Police Station-Muffasil, District-Begusarai
9. Mithlesh Paswan Son of Yogendra Paswan Resident of Ward No.1 Singhaul, Begusarai, Police Station-Muffasil, District-Begusarai
10. Bablu Paswan Son of Jagdish Paswan Resident of Ward No.1 Singhaul, Begusarai, Police Station-Muffasil, District-Begusarai
11. Bimal Paswan Son of Late Ram Jatan Paswan Resident of Ward No.1 Singhaul, Begusarai, Police Station-Muffasil, District-Begusarai
12. Santosh Paswan Son of Ram Jatan Paswan Resident of Ward No.1 Singhaul, Begusarai, Police Station-Muffasil, District-Begusarai
13. Md. Rushtam Son of Late Bashir Resident of Ward No.1 Singhaul, Begusarai, Police Station-Muffasil, District-Begusarai
14. Md. Mustaque Alam Son of Late Md. Akaram Resident of Ward No.1 Singhaul, Begusarai, Police Station-Muffasil, District-Begusarai

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Adv. Mr. Prabhat Kr. Dipak, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State.

The grievance of the petitioner in the present writ
application is non consideration of his case by statutory authority for



removal of encroachment over public land.

Learned counsel for the petitioner submits that the land in question is a public land and for removal of encroachment over public land, the statutory authority including the District Magistrate is under the obligation to examine whether the land is a public land and there is encroachment over the public land or not? In the event he finds the land is a public land and there exist encroachment he shall be under obligation to take appropriate decision for removal of encroachment.

Learned counsel for the petitioner submits that he has approached the District Magistrate but he has not registered the case under the provisions of Public Land Encroachment Act and as such he has approached this Court.

In the facts of this case without going to the merit of the claim of the petitioner, the present writ application is disposed of with a direction to the District Magistrate to examine the claim of the petitioner and if it is found that the land in question is a public land and there is encroachment over the public land he shall register appropriate case for removal of encroachment over public land and after hearing the parties likely to be affected he shall pass appropriate order.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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