

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5635 of 2019

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Achyut Kumar Isser, son of Rajnikant Isser, resident of Ward No. 2 Konaila,
P.O. Konaila, P.S. Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Land Revenue Department,
Government of Bihar, Patna.
2. The Secretary, Land Revenue Department, Government of Bihar, Patna.
3. The District Magistrate-Cum-District Collector, Samastipur.
4. The Sub-Divisional Officer, Dalsinghsarai, Samastipur.
5. The Circle Officer, Dalsinghsarai Circle Office, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Adv. Ms. Kumari Subham, Adv. Mr. Jyoti Kumar Sinha, Adv.
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 : 26-03-2019

The matter relates to encroachment over a public land.

The remedy is already available to the petitioner under the Bihar
Public Land Encroachment Act, 1956 (hereinafter referred to as
the 'Act') and if so advised, he can take recourse thereto by
filing an appropriate application under section 3 of the 'Act' by
arraigning the alleged encroacher.

At this stage, Mr. Brisketu Sharan Pandey, learned
counsel appearing for the petitioner informs that an
encroachment case bearing Encroachment Case No.18 of 2011-



12 has already been instituted for the purpose but remains pending and hence this application.

In the circumstances discussed, we direct the respondent no.5, the Circle Officer, Dalsinghsarai to consider the complaint of the petitioner and take the Encroachment Case No.18 of 2011-12 to its logical conclusion with due opportunity of hearing to the alleged encroachers within a period of six months of receipt/production of a copy of this order, if not already disposed of.

This writ petition is disposed of accordingly.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Anjula/skpathak

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.04.2019
Transmission Date	NA

