

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7292 of 2019

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Umesh Sharma, Son of Late Yadu Sharma, Resident of Village- Mustafapur,
P.S. Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate- cum- Collector Patna.
3. The Additional District Magistrate Patna.
4. The Sub- Divisional Magistrate, Masaurhi, Patna.
5. The Circle Officer, Dhanarua, Patna.
6. Sri Ram Eqbal Singh, Son of Late Rambriksha Singh, Resident of Village Mustafapur, P.S. Dhanarua, District Patna.
7. Sri Ramanuj Singh, Son of Late Ram Jatan Singh, Resident of Village Mustafapur, P.S. Dhanarua, District Patna.
8. Sri Basistha Singh, Son of Late Shiv Pujan Singh, Resident of Village Mustafapur, P.S. Dhanarua, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. S. Thakur, Advocate
For the Respondent/s : Mr. Prerua Auaud, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioner and the State.

The present writ application has been filed by the petitioner for initiating regular Encroachment case and removal of encroachment over the Public Land situated in Village Mustafapur, Dhanarua.

Learned counsel for the petitioner submits that the land in question in Khata No. 144, Survey plot no. 321 and 365 and Khata no. 110, Survey Plot no. 343 are Gair Mazarua Aam land registered in the Khatian, but certain villagers have made



encroachment over the land and not only encroachment over the Gair Mazarua Aam land but they have also made encroachment over the public road and thus they are causing hindrance in the egress and ingress of the villagers.

Learned counsel submits that the Circle Officer, Dhanarua is required to take action against the encroachers of the public land, but instead of taking action and performing statutory duty in terms of the Public Land Encroachment Act, he is reiterating the matter to the Public Grievance Redressal Officer, Masaurhi about the existence of encroachment instead of taking action against the encroachers.

Since the issue requires enquiry into the matter, the Court grants liberty to the petitioner to approach the Circle Officer, Dhanarua along with a copy of this order by filing representation indicating therein the nature of land, the nature of encroachment and if any report admitting encroachment.

In the event, such representation is filed by the petitioner along with a copy of this order before the Circle Officer, Dhanarua, he shall register a regular case under the provisions of Public Land Encroachment Act and take appropriate decision after giving opportunity to all the persons, who are likely to be adversely affected by the decision of the



Circle Officer under the scheme of public Land Encroachment Act. Necessary decision in the matter must be taken by the Circle Officer at the earliest preferably within a period of six months from the date of receipt of representation.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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