

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7524 of 2019

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Santosh Kumar (Male aged about 37 years) Son of Vindeshwar Prasad R/o
Village Udaini, Punpun, P.S.- Gopalpur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar Through District Magistrate, Patna.
2. The District Magistrate Patna.
3. The Superintendent of Police Patna.
4. The Sub- Divisional Officer Patna.
5. The Circle Officer Sampatchak Block, Patna.
6. The Officer- in - charge Gopalpur Police station, Patna.
7. Satish Kumar Son of Shyam Narain Singh Resident of Village- Uddaini,
P.S.- Gopalpur, District- Patna.
8. Nitish Kumar Son of Shyam Narain Singh Resident of Village- Uddaini,
P.S.- Gopalpur, District- Patna.
9. Soni Kumar Son of Shyam Narain Singh Resident of Village- Uddaini, P.S.-
Gopalpur, District- Patna.
10. Pancham Singh Son of Late Khelawan Singh Resident of Village- Uddaini,
P.S.- Gopalpur, District- Patna.
11. Jitendra Kumar @ Budha Son of Sri Pancham Singh Resident of Village-
Uddaini, P.S.- Gopalpur, District- Patna.
12. Chhaggu Singh Son of Late Khelawan Singh Resident of Village- Uddaini,
P.S.- Gopalpur, District- Patna.
13. Appu Kumar Son of Sri Chhagu Singh Resident of Village- Uddaini, P.S.-
Gopalpur, District- Patna.
14. Ram Pravesh Singh Son of Late Ram Ekbal Singh,1 Resident of Village-
Uddaini, P.S.- Gopalpur, District- Patna.
15. Guddu Kumar @ Nawal Kumar Son of Sri Ram Pravesh Singh Resident of
Village- Uddaini, P.S.- Gopalpur, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Ms. Kalpana
For the Respondent/s : Mr. Ajay (Ga5)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)



2 12-04-2019 Heard learned counsel for the parties.

The petitioner in Public Interest prays for removal of encroachment from a public land in village Uddaini, P.S. Gopalpur, in the district of Patna bearing Tauzi No. 396, Khata No. 50 Survey Khesra No. 340 and 341.

The allegation is made against private respondents no. 7 to 15 of having encroached the said land which as we have observed above is in the nature of a public land.

Mr. Ajay, learned GA-5, submits that it is without taking recourse to the remedy as available to the petitioner under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') that the present petition is filed in Public Interest.

Having heard learned counsel for the parties, we uphold the objection raised by the learned State Counsel to give liberty to the petitioner to approach the Circle Officer, Sampatchak, Patna (respondent no.5) by filing an appropriate application under section 3 of 'the Act' and by arraigning the alleged encroachers as also by demonstrating the extent of encroachment and which application shall be considered and disposed of by the Circle Officer, Sampatchak in accordance with law and after giving an opportunity of hearing to the



complainant as well as alleged encroachers preferably within six months of filing of such application.

This disposes of the writ petition.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Surendra/-

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