

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11828 of 2019

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1. Birendra Kumar Singh, aged about 55 years, Male, Son of Late Shivshankar Prasad Singh, resident of Ramesh Colony, P.O.- Kurthaul, P.S. Parsa Bazar, District- Patna.
 2. Mukesh Kumar Sinha, aged about 50 years, Male, Son of Sanjay Kumar Sinha, resident of Mohalla- Ramesh Colony, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Sub Divisional Officer, Patna Sadar, Patna.
5. The Circle Officer, Phulwarishariff, District- Patna.
6. The Station House Officer, Parsa Bazar Police Station, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.
For the Respondent/s : Mr. Ajay, GA5

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

- 1 29-07-2019 Heard Mr. Raja Ram Mishra, learned counsel for the
petitioners and Mr. Ajay, learned GA-5 for the State.

In the nature of the order that we propose to pass we
do not intend to delve into the matter.

Suffice it to say that the petitioners complain of
encroachment on a public road running between Kurthaul
Chowk to Dariyapur in Masaurhi in the District of Patna which



according to the petitioners is a link road between Patna Masaurhi main road and Dariyapur village.

According to the petitioners, the public road has been encroached by illegal constructions which needs to be removed as it is affecting access to Patna Masaurhi main road. While making such submission learned counsel for the petitioners admits that no such grievance is raised before the authority under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') i.e. the Circle Officer, Phulwari Sharif, Patna, respondent no.5 herein, for drawing any such proceedings.

In such view of the matter, we allow the petitioners to raise their grievance before respondent no.5, Circle Officer, Phulwari Sharif or the Circle Officer concerned, indicating the encroachment as also the name of the encroachers, who have encroached the road and it goes without saying that any such application filed by the petitioners shall be registered under 'the Act', shall be considered and disposed of in accordance with law by the Circle Officer, Phulwari Sharif or the Circle Officer, competent to do so, with opportunity of hearing to the complainant as well the alleged encroachers expeditiously and preferably within six months of filing of such application.



With the observations and directions above, we
dispose of the writ petition.

(Jyoti Saran, J)

(Partha Sarthy, J)

Surendra/-

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