

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8825 of 2019**

Shiv Kishore Singh, son of Late Kapil Deo Singh, resident of Village-  
Gopalpur, P.O.- Nadaul, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Patna, District- Patna.
3. The Sub- Divisional Magistrate, Masaurhi, District- Patna.
4. The Land Reform Deputy Collector, Masaurhi, District- Patna.
5. The Circle Officer, Anchal- Masaurhi, P.S.- Masaurhi, District- Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Niraj Kumar, Advocate

For the Respondent/s : Mr. Md. Khursid Alam, AAG-12

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      23-04-2019                      Heard learned counsel for the petitioner and the respondents.

2. The petitioner is aggrieved by the reluctance on the part of the District administration in removal of encroachment.

3. Learned counsel for the petitioner submits that earlier the petitioner has approached this Court vide C.W.J.C. No. 11864 of 2017 and after the order of this Court, encroachment proceeding was decided by the Circle Officer, Masaurhi, yet encroachment was not removed. He submits that the petitioner has also approached the District Magistrate, Patna, but the District Magistrate has failed to ensure removal of the encroachment and under the aforesaid compelling circumstance, the petitioner has again approached this Court by filing the



instant writ application.

4. The authorities under the Bihar Public Land Encroachment Act are under obligation if they find that there is existing encroachment over public land to remove the encroachment and if the Circle Officer and the District Magistrate find encroachment over the public land, it is their solemn duty to remove encroachment provided the encroachers are heard, if not already heard.

5. The District Magistrate is required to ensure compliance of the principles of natural justice qua the encroachers and take appropriate decision for removal of encroachment within a period of 90 days from the date of receipt/production of a copy of this order.

6. In the process, the District Magistrate is required to take notice of his own decision as contained in Annexure-9.

7. With the aforesaid, this application stands disposed of.

**(Anil Kumar Upadhyay, J)**

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