

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7161 of 2019

=====

Chandan Kumar Son of Sri Ram Prakash Singh R/o Village and Post Office-
Kirhindi, P.S. and Anchal-Sheosagar, District-Rohtas Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The District Magistrate District-Rohtas Sasaram
3. The Additional Collector District Rohtas, Sasaram
4. The Deputy Collector Land Reforms District Rohtas Sasaram
5. The Sub Divisional Officer, Sasaram District Rohtas
6. The Circle Officer Anchal-Sheosagar, District Rohtas Sasaram

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Naresh Sharma
For the Respondent/s : Mr. Raj Kishore Roy (Gp18)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is non registration of the case for removal of encroachment notwithstanding the fact that petitioner has approached the Circle Officer, Sheosagar, District Rohatas on 25.05.2018 under the Scheme of the Bihar Public Land Encroachment Act. The statutory provisions vests power to authorities to remove encroachment after following the procedure under the Public Land Encroachment Act. Unfortunately the Circle Officer, Sheosagar, District Rohtas has



not registered the case for removal of encroachment, thus it is manifest that the circle officer being statutory authorities is not performing statutory duty. In the event any public approach the authority under the Public Land Encroachment Act to initiate proceeding for removal of encroachment circle officer is required to pass appropriate order after opportunity of hearing to person likely to be adversely affected by such decision.

The writ application contains detail facts as to encroachment over public land but the Court does not feel persuade to make any comment on the merit of the writ application particularly, in view of the fact that when the statutory authority has the jurisdiction to take appropriate decision it would be uncalled for on the part of the High Court to enter into and decide the controversy whether the land in question is public land and whether there is encroachment over the public land. The statutory authority shall inquire into the matter and take appropriate decision within the parameters of the Public Land Encroachment Act. It is expected that the authorities may take appropriate decision for removal of encroachment, if any, at the earliest. The present writ application stands disposed of with liberty to the petitioner to approach the authority under the act alongwith the copy of this



order who shall be under obligation to inquire into the grievance of the petitioner and take appropriate decision at the earliest.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

mdrashid/-

U			
---	--	--	--

