

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7811 of 2019

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Dharmendra Singh S/o Ram Paras Singh R/o Vill Andhara Chhapra P.S.
Kalyanpur Dist. E.Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Motihari Dist-E.Champaran
2. The Sub Divisional Officer Chakiya Dist-E.Champaran
3. The Circle Officer Kalayanpur Block Dist-E.Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 15-04-2019 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

In the instant case grievance of the petitioner is the
despite the determination of encroachment over the public land,
no action was taken to remove the encroachment.

Under the Public Land Encroachment Act, it shall be
obligation of the authority to take appropriate step for removal
of encroachment of land if the authority has determined
encroachment over public land. The authorities under the Act
have to take appropriate action within the parameters of the Act
and following principles of natural justice as well as the
procedure prescribed by the Bihar Public Land Encroachment
Act. The Court is not supposed to exercise the power ordinary



vested with the authority under the Bihar Public Land Encroachment Act. It is for the authority to take appropriate action for removal of encroachment at the earliest.

It is needless to state here that respondents have to hear all stake holders in the process of removal of encroachment.

With the aforesaid the writ application disposed of.

(Anil Kumar Upadhyay, J)

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