

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7307 of 2019

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1. Raj Balam Rai, S/o Late Shivdhari Rai, resident of Village- Sahejani, P.O.- Hasan Bazar, P.S.- Piro, Distt.- Bhojpur
 2. Naresh Kumar Singh, S/o Late Saryug Singh, resident of Village- Sahejani, P.O.- Hasan Bazar, P.S.- Piro, Distt.- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna
2. District Magistrate, Bhojpur at Ara
3. Sub Divisional Magistrate, Piro, Distt.- Bhojpur
4. Deputy Collector Land Reforms, Piro, Distt.- Bhojpur
5. Anchal Adhikari Piro, Distt.- Bhojpur
6. Mewa Lal Ram, S/o Late Balroop Ram, resident of Village- Shejani, P.O.- Hasan Bazar, P.S.- Piro, Distt.- Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasas Singh, Advocate
		Mr. Prabhat Kumar Dipak, Advocate
For the Respondent/s	:	Ms. P. Sharma, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioners and the respondents.

Learned counsel appearing on behalf of the petitioners submits that after the decision of the Division Bench in C.W.J.C. No. 6345 of 2017 and analogous cases dated 30.08.2017, the District Magistrate is under legal and moral obligation to enquire into the matter of encroachment over the Village pond, which is used by the public of the village.

Learned counsel appearing on behalf of the State



submits that the present writ application is not maintainable at this stage, as the petitioners have alternative remedy under the scheme of the Public Land Encroachment Act. She further submits that there is decision in favour of respondent no.6 and that has not challenged in appropriate proceeding, the Court cannot grant any relief to the petitioners.

Learned counsel for the petitioners submits that against the decision of the Circle Officer, Piro, Bhojpur the petitioners have approached the District Magistrate, Bhojpur and the matter is pending at the level of the District Magistrate, but no action has been taken.

Learned counsel submits that the Division Bench has already decided the issue in C.W.J.C. No. 6345 of 2017 and analogous cases vide judgment dated 30.08.2017. The decision of the Division Bench is for the consumption of all including the District Magistrate, Bhojpur hence, he submits that the present writ application may be disposed of with a direction to the District Magistrate, Bhojpur to take appropriate decision on the application filed by the petitioners dated 21.06.2018 (Annexure-3).

Without going into the merit of the claim of the petitioners, the present writ application is disposed of with a



direction to the District Magistrate, Bhojpur to take appropriate decision on the application filed by the petitioners and if the claim of the petitioners is covered by the judgment of the Division Bench in C.W.J.C. No. 6345 of 2017 and analogous cases dated 30.08.2017 he/she shall pass appropriate order in the light of the judgment at the earliest preferably within a period of six months from the date of receipt/production of a copy of this order after providing opportunity of hearing to respondent no.6.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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