

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11830 of 2019

1. Arun Kumar Shrivastav, aged about 66(M), Son of Shakaldeo Prasad, R/o Gudari Rai Ke Chowk, near R.P. Convent, P.S. Bhagwan Bazar, District- Chapra, Saran.
2. Amir Khan, aged about 29 years (M), Son of Sher Ali Khan, R/o- 404, Near Hamid Lauge, Nai Bazar, District- Chapra, Saran.
3. Sunil Prasad Singh, aged about 57 years (M), Son of Prabhunath Singh, R/o Gyaspur, Rasulpur, P.S. Rasulpur, District- Saran, Chapra.
4. Vijay Lal Sharma, aged about 43 years (M), Son of Jagannath Sharma, R/o Malkhana Chowk, Post- Bhagwan Bazar, Chapra, District- Saran, Chapra.
5. Harendra Kishore, aged about 65 years (M), Son of Kedamath Lal, R/o Beside Sabiha Nasim Clin Malkahana Chowk, Hospital Road, Near J.K. Hospital Nai Bazar, Chapra, District- Chapra, Saran.
6. Jitendra Kumar Sharma, aged about 37 years (M), Son of August Sharma, R/o-168, Malkhana Chowk, Near Zila School, Chapra, District- Chapra, Saran.
7. Kanhaiya Singh, aged about 62 years (M), Son of Chandrika Singh, Resident of Ward No. 18, Nai Bazar, Chapra District- Chapra.
8. Arjam Quddus, aged about 28 years (M), Son of Akhtar Quddus, R/o Nai Bazar, Dafali tola, Chapra, District- Chapra, Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary,
2. The Commissioner, Saran.
3. The District Magistrate, Saran.
4. The Commissioner , Saran Nagar Nigam.
5. The Assistant Collector, Saran.
6. The Sub-Divisional Officer, Saran(Sub-Divisional).
7. The Circle Officer, Block- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : None

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

2 29-07-2019 Though none appears either on behalf of the petitioners
or the State but bearing note of the issue raised we proceed to



dispose of the writ petition on the basis of material on record.

The petitioner complains of encroachment on public road within Chapra Town under Saran District by the alleged encroachers but the pleadings on the writ petition does not indicate whether the grievance as raised herein by the petitioners has been raised before the competent authority under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') by raising a complaint in terms of Section 3 of 'the Act'.

In such view of the matter, we dispose of the writ petition with a liberty to the petitioners to raise their grievance before the Circle Officer, Block Saran (respondent no.7) by filing a statutory application under section 3 of 'the Act' indicating the extent of encroachment as well as the name of the encroachers and it goes without saying that any such application filed shall be considered and disposed of by the Circle Officer, Sadar Chapra, Saran in accordance with law with an opportunity of hearing to the petitioners as well as alleged encroachers expeditiously and preferably within a period of six months of its filing.

(Jyoti Saran, J)

(Partha Sarthy, J)

Surendra/-

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