

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8563 of 2019**

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Krishnanand Sharma S/o Late Daroga Sharma Vill.- Sariaow, P.O. and P.S.-  
Nokha, Distt.- Rohtas, Bihar at present Mohalla- Kila, P.O. and P.S.- Sasaram,  
Distt.- Rohtas, Bihar..... Petitioner/s

Versus

1. The State of Bihar through District Collector, Rohtas
2. Dy. D.D.C. Rohtas, Sasaram
3. Superintendent of Police Rohtas, Dehri on Sone
4. Sub Divisional Police Officer Sasaram
5. Sub Divisional Officer Sasaram
6. Circle Officer Nokha, Sasaram
7. The S.H.O. Nokha
8. Ashok Yadav S/o Late Rajaram Yadav Vill.- Sariaow, Laxmi Tola, P.O. and  
P.S.- Nokha, Distt.- Rohtas, Bihar
9. Vinod Yadav S/o Late Ramraj Yadav Vill.- Sariaow, Laxmi Tola, P.O. and  
P.S.- Nokha, Distt.- Rohtas, Bihar

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate  
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

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

2      22-04-2019                      Heard learned counsel for the petitioner and counsel  
appearing on behalf of the respondents.

Petitioner has filed this writ petition for direction to  
the respondents for removal of encroachment over the public  
land/ Aam Rasta.

Learned counsel for the petitioner submits that there is  
encroachment over the public land/ Aam Rasta.

Under the Public Land Encroachment Act, it shall be  
obligation of the authority to take appropriate step for removal  
of encroachment over public 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 by following principles of natural justice as well as the procedure prescribed by the Bihar Public Land Encroachment Act.

Considering the aforesaid statutory scheme, the instant writ petition is disposed of with liberty to the petitioner to approach the C.O. Nokha along with copy of this order and on filing of appropriate application for removal of encroachment, the C.O. shall register a case and thereafter follow the procedure contemplated under the Bihar Public Land Encroachment Act, for removal of encroached land after hearing all stake-holders. The C.O. Nokha shall pass appropriate order at the earliest preferably within a period of six months from the date of filing of appropriate application by the petitioner for removal of encroach land. The C.O. shall also ensure that private lands are not unauthorizedly used.

With the aforesaid liberty the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

T.Kr./-

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