

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8890 of 2019

1. Arjun Prasad Son of Late kanshi Yadav Resident of Mohalla- Karbighaia More, P.S.- Jakkanpur, P.O.- G.P.O., Distt- Patna.
2. Anita Devi Wife of Sri Sachidanand Kumar Resident of Mohalla- Karbighaia More, P.S.- Jakkanpur, P.O.- G.P.O., Distt- Patna.
3. Pannu Lal Son of Late Deep Lal Gope Resident of Mohalla- Karbighaia More, P.S.- Jakkanpur, P.O.- G.P.O., Distt- Patna.
4. Moti Lal Son of Deep Lal Yadav @ Gope Resident of Mohalla- Karbighaia More, P.S.- Jakkanpur, P.O.- G.P.O., Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Director, Land Records and Survey, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Additional Collector, Patna.
6. The Additional District Magistrate (Law and Order), Patna.
7. The Circle Officer, Patna Sadar, Patna.
8. The Patna Municipal Corporation through its Municipal Commissioner, Maurya Lok Building, Patna.
9. The Executive Officer, Patna Municipal Corporation, Maurya Lok Building, Patna.
10. Bihar Rajya Pul Nirman Nigam Limited through its Managing Director, Sardar Patel Marg, Patna.
11. The Dy. Chief Engineer (Work Circle-1), Bihar Rajya Pul Nirman Nigam Limited, Sardar Patal Marg, Patna.
12. The Senior Project Engineer (Work Circle-1), Bihar Rajya Pul Nirman Nigam Limited, Sardar Patel Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Akshansh Ankit
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-05-2019

It appears that due to inadvertence direction was



issued to the appellate authority to exercise statutory appellate jurisdiction. In fact, there is no decision by the Collector under the Act for determining the land to be a public land or for removal of encroachment. The petitioners have approached this Court for interim protection as they are apprehending demolition of their residential houses.

Considering the aforesaid, the order dated 23.4.2019 is modified to the following extent:

In Para-3 instead of “respondents have arbitrary decided that the land in question is public land and petitioners have made encroachment over the public land” it should be read as **“respondents are arbitrarily proceeding for demolition of the structure as if it is on public land.”**

In para 4 instead of “the Court grants liberty to the petitioners to approach the statutory appellate authority under the Bihar Public Land Encroachment Act. In the event, such appeal is filed, the appellate authority will pass appropriate order in accordance with law”, it should be read as **“Liberty shall be available to the petitioners to approach the Circle Officer along with a copy of this order and the Circle Officer shall be obliged to pass appropriate order considering the issue raised in the representation.”**



In para-5 instead of “ In order to facilitate the petitioners to file statutory appeal, the Court grants interim protection to the petitioners up to 23.5.2019, which will expire automatically after 23.05.2019”, it should be read as **“petitioners are granted liberty to file representation before the Circle Officer and until passing of appropriate final order, the petitioners shall not be disturbed in any manner.”**

Para-6 is deleted.

The order dated 23.04.2019 is modified to the aforesaid extent.

(Anil Kumar Upadhyay, J)

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