

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8566 of 2019

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Dinesh Rai S/o Late Binod Rai Resident of Vill- Dulma, P.S.- Madhuban,
Dist- East Champaran..... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Patna, Bihar.
2. The Collector cum District Magistrate, East Champaran, Bihar.
3. The Additional Collector, East Champaran, Bihar.
4. D.C.L.R., East Champaran, Bihar.
5. Circle Officer, Madhuban, East Champaran, Bihar.
6. Asha Rai S/o Late Devan Rai Resident of Vill- Dulma, P.S.- Madhuban,
Dist- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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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 government road bearing Khata No. 329,
Khesra No. 2607 by respondent No. 6.

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. Madhuban 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. Madhuban 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)

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