

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6061 of 2013

Manjula Devi wife of Ajay Kumag Bhagat, Resident of Village- Murliganj,
Ward No. 9, Police Station,- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Madhepura.
3. Sub Divisional Officer, Madhepura.
4. Circle Officer, Murliganj, District- Madhepura.
5. Jagdish Rajak, Son of Lala Rajak.
6. Jag Narayan Rajak son of Mauji Rajak.
7. Vikram Rajak Son of Sita Ram Rajak.
8. Ram Chandra Rajak son of Satya Narayan Rajak, all (5 to 8) residents of Village-Murliganj, Ward No.-9, Police Station- Murliganj, District-Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the Respondent/s	:	Mr.Sunil Kr. Mandal, S.C.-3
	:	Mr. Arjun Prasad, AC to S.C-3
For respondents No. 5 to 8:	:	Mr. Abhay Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

10 16-04-2019 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.

Learned counsel for the petitioner submits that there is
encroachment over the plot old Khata No. 267, 207, Khesra No.
387 Kha/412.

Allegation is that respondents have failed to exercise
their obligation under Public Land Encroachment Act and



notwithstanding encroachment is existing on the public road/ public land. They sat tight over the matter. Referring to Annexure-3 learned counsel for the petitioner submits that measurement of the land was done on 29.06.2007 and it was found that aforesaid land used as Rasta is owned by the petitioner. Thereafter, petitioner gave representation to S.D.O. Madhepura on 20.04.2008 and to District Magistrate, Madhepura on 10.01.2013 but all went in vain.

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.

The C.O. Murliganj is directed to inquire into the matter of encroachment and hear all stake holders in the process of removal of encroachment.

The instant writ petition is disposed of with liberty to the petitioner to approach the C.O. Murliganj 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. Murliganj 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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