

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10590 of 2019

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1. Dharmdev Prasad, aged about 81 years, Gender Male, S/o Late Khedaru Prasad
 2. Gokhula Pathak, aged about 64 years, Gender Male, S/o Late Chandrika Pathak, Both Resident of Village- Karpaliya, P.O.- Mustafabad, Police Station and Prakhand- Goreya Kothi, District- Siwan.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Land Reforms Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Siwan.
3. The Superintendent of Police, Siwan.
4. The Sub-Divisional Police Officer, Sub-Division- Maharajganj, District- Siwan.
5. The Sub-Divisional Officer (S.D.O.), Sub Division- Maharajganj, District- Siwan.
6. The Circle Officer, Circle Office, Goreyakothi, District- Siwan.
7. The Station House Officer (S.H.O.) Goreyakothi P.S., District- Siwan.
8. Madan Manjhi @ Mainu Manjhi, aged about 45 years, Gender Male, S/o Late Kewal Manjhi, R/o Village- Khagni, P.O.- Mustafabad, P.S.- Goreyakothi, District- Siwan.
9. Ganga Devi, aged about 42 years, Gender Female, W/o Madan Manjhi @ Mainu Manjhi, R/o Village- Khagni, P.O.- Mustafabad, P.S.- Goreyakothi, District- Siwan.
10. Birendra Giri, aged about 55 years, Gender Male, S/o Nageshwar Giri, R/o Village- Barari, P.O. Saidpura, P.S. G.B. Nagar Tarwara, District- Siwan.
11. Subodh Tiwary, aged about 45 years, Gender Male, S/o Algu Tiwary, R/o Village- Sarari, P.O.- Goreyakothi, P.S.- Goreya Kothi, District- Siwan.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Raju Prasad
For the Respondent/s	:	Mr. Vinay Kirti Singh (Ga2)

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 17-05-2019 Heard the parties.

The petitioners pray for removal of encroachment on



Gairmazarua Aam land bearing Survey Plot Nos. 2632 and 2683 of Khata No. 599, in village Karpaliya, Block Goraiyakothi, in the district of Siwan, which according to the petitioners is encroached by the private respondents.

Perusal of the records of the writ petition would show that except for filing a public petition the petitioners have failed to invoke jurisdiction of the Circle Officer in terms of the provisions underlying the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') by filing an appropriate application in the manner prescribed.

In such view of the matter, we would allow the petitioners to file a proper application under the provisions of 'the Act' before respondent no.6 by arraigning the alleged encroachers and explaining the encroachment and which shall be taken to its logical conclusion in accordance with law with opportunity of hearing to the parties by the Circle Officer expeditiously and preferably within six months of receipt/ production of a copy of this order.

With the observations above, we dispose of the writ petition.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Surendra/-

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