

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13783 of 2019

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Raj Kumar Sah S/o Shobhit Lal Sah Vill.- Ward No. 9, Nahari, P.s.- Laukaha,
Distt.- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Reforms and Department of Revenue Department, Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector Madhubani
3. The Sub-Divisional Officer (Civil) Madhubani
4. The Circle Officer Khutauna, Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-07-2019 Heard.

Against the notice dated 30.04.2019, issued by the Circle Officer for removing encroachment from the public land, the present writ application has been filed. By the said notice, which has been brought on record by way of Annexure-2 to this writ application, the petitioner and others have been asked to vacate the encroached land else the encroachment shall be removed by initiating encroachment proceeding by the administration, which appears to have already been initiated.

It is the case of the petitioner that the land, in question, belongs to him and there is an order, in this regard, passed by the Revenue Officer under Section 106 of the Bihar



Tenancy Act, 1885.

The plea, which the petitioner is raising here, could have been raised by him before the Circle Officer, who is said to have issued the notice. If the petitioner has any grievance against any action of the Circle Officer, he could have approached the authorities above him, by making appropriate application, in accordance with law

I do not find any justification for the petitioner to approach this Court directly under Article 226 of the constitution of India, against the said notice of the Circle Officer.

This writ application is, thus, disposed of with an observation that the petitioner shall be at liberty to raise his objection or file an appropriate application before appropriate forum, in accordance with law.

(Chakradhari Sharan Singh, J)

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