

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1354 of 2017**

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Vipin Singh Son of Late Baidnath Singh, Resident of Village Post P.S.-  
Gaunaha, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Superintendent of Police, District- West Champaran at Bettiah.
3. The Sub Divisional Magistrate, Narkatiaganj, District- West Champaran at Bettiah.
4. The Sub-Divisional Officer, Narkatiaganj, District- West Champaran at Bettiah.
5. The Circle Officer, Gaunaha Circle, Dist- West Champaran at Bettiah.
6. The S.H.O., Police Station, Gaunaha, District- West Champaran at Bettiah.
7. Rajeshwar Thakur, Son of Chandra Deo Thakur, Village Post P.S.- Gaunaha, Distt- West Champaran at Bettiah.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar Sharma  
For the Respondent/s : Mr. Raj Kishore Roy-Gp18

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      13-05-2019                      Heard learned counsel for the petitioner and the  
counsel appearing on behalf of the private respondents.

The grievance of the petitioner in the present application is that respondents are sitting tight over the matter despite knowledge as to the encroachment over the public land they have not taken any steps for removal of encroachment.

Learned counsel appearing on behalf of the petitioner admits that neither regular proceeding under Cr.P.C. nor under Bihar Public Land Encroachment Act has been registered for



removal of encroachment over the public land/public road.

Considering the aforesaid, the writ petition is disposed of with liberty to the petitioner to file appropriate application either under Cr.P.C. or under Bihar Public land Encroachment Act to the concerned authority namely, Sub-divisional Magistrate under the Cr.P.C. or the Circle Officer under the scheme of Bihar Public Land Encroachment Act and on filing of such application, the concerned authority shall register a regular case for removal of encroachment over the public land/public road and pass appropriate order for removal of encroachment after hearing all the stake holders including the alleged encroacher.

The entire exercise in the matter of removal of encroachment over the public land/private road shall be taken by the concerned authority within a maximum period of six months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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