

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16632 of 2019

=====

Sri Niwas Singh (Male), aged about 61 years, S/o Sri Ram Sharan Singh Vill.
and P.o.- Katari, P.s.- Korma, Distt.- Sheikhpura

... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Secretariat Patna
2. The District Magistrate Sheikhpura, Distt.- Sheikhpura
3. The Circle Officer Block- Sheikhpura, Distt.- Sheikhpura
4. Umashankar Singh, (Male), aged about 50 years, resident of Vill. and P.o.- Katari, P.s.- Korma, Distt.- Sheikhpura

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad (Sc8)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-08-2019 Heard learned counsel for the parties.

The present writ petition has been filed for quashing the order dated 26.6.2019 passed by the District Magistrate, Sheikhpura under the Bihar Right to Public Grievance Redressal Act, 2015.

This Court finds that under the Bihar Right to Public Grievance Redressal Act, 2015 the District Magistrate is not vested with the power to direct for removal of encroachment over the public land, inasmuch as the matters pertaining to removal of encroachment over the public road are governed by the provisions of the Bihar Public Land Encroachment Act, 1956.



I find from the records that Encroachment Case No. 7/2018-19 is pending before the Circle Officer, Sheikhpura. Thus, I deem it fit and appropriate to direct the petitioner to file his objection within a period of four weeks from today before the Circle Officer, Sheikhpura in the said encroachment case, whereupon the Circle Officer, Sheikhpura shall pass final orders under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

It is needless to state that in case no objection is filed by the petitioner within a period of four weeks from today, the Circle Officer, Sheikhpura shall pass ex-parte order.

In the meantime, no coercive steps shall be taken against the petitioner for removal of the encroachment in question till final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 is passed by the Circle Officer, Sheikhpura.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Surendra/-

U			
---	--	--	--

