

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19258 of 2019**

=====

Ex Hony Sub Major Mahendra Prasad Singh S/o Late Kailash Singh Resident  
of Village Salempur, PO Jabra, Dist.Rohtas (Bihar) ... .. Petitioner/s  
Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna (Bihar)
  2. The District Magistrate, Dist.Rohtas (Bihar)
  3. The Circle Officer, Circle- Nokha, District-Rohtas (Bihar)
  4. The Village Chief, Panchayat Ghosiyani, Block-Nokha,Rohtas (Bihar)
- ... .. Respondent/s

=====

**Appearance :**

|                      |   |                                                                                         |
|----------------------|---|-----------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Ful Man Singh, Advocate<br>Mr. Ravindra Kumar, Advocate<br>Mr. Bipin Kumar, Advocate |
| For the Respondent/s | : | Mr.Sajid Salim Khan ( SC25 )<br>Ms. Prakritita Sharma, AC to SC-25                      |

=====

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)**

**Date : 18-09-2019**

Heard learned counsel for the petitioner and learned  
counsel for the State.

The present application has been filed for removal of  
illegal encroachment made upon the public land appertaining to  
Khata No.41, Plot No.146, Area 36 decimals, as has been claimed  
that it is a cremation place for Hindu and wrongly been  
encroached by certain villagers, but the details of the persons have  
not been given in the writ application nor they have been made a  
party -respondents.

Let the petitioner file an application before the Circle  
Officer, Nokha, Rohtas for removal of encroachment done by  
certain persons.



If such application is filed before the Circle Officer, then he will initiate a proceeding under the Bihar Public Land Encroachment Act and after giving notice to the concerned, if it is found that there is encroachment upon public land meant for cremation for Hindu, in that circumstances, encroachment should be removed, but after giving full hearing to those persons, who are said to be encroachers.

So far as prayer for fencing of the said land is concerned, let the District Magistrate, Rohtas look into the matter and take decision in accordance with law.

However, it is made clear that before initiating an encroachment proceeding, the Circle Officer will make himself ensure that the land, which is alleged to have been encroached, is a public land.

With the aforesaid observations and directions, this writ application stands disposed of.

**(Shivaji Pandey, J)**

**( Partha Sarthy, J)**

V.K.Pandey/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N.A.       |
| Uploading Date    | 21.09.2019 |
| Transmission Date | N.A.       |

