

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18695 of 2019

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Mool Chand Golchha Son of Late Gordhan Das Golchha, Resident of Mohallah- Arun Golchha Path, Ward No.5, P.O.- Forbesganj, P.S.- Forbesganj, District- Araria (Bihar) Attorney Duly Appointed by Kanhaiya Lal Lunia and Punam Devi Lunia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Purnea, District- Purnea (Bihar).
4. The District Planning Officer, Purnea, District- Purnea (Bihar).
5. The Sub Divisional Magistrate, Purnea, District- Purnea (Bihar).
6. The Circle Officer, Purnea, District- Purnea (Bihar).
7. The Project Director, National Highway Authority of India (NH-31), Purnea, District- Purnea (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raju Giri, Adv. Mr. Santosh Kr. Mishra, Adv.
For the Respondent/s	:	Mr.Mukul Prasad, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-09-2019 At the outset, the learned counsel for the petitioner seeks to correct the prayer portion. Let the same be done, during the course of the day.

The petitioner prays for directing the respondent State Authorities to remove the encroachment made over the public land, opposite the land of the petitioner appertaining to Khata No. 564, khesra no. M.S. 570 'Ka, 'Kha', 'Ga' & 'Gha', area 14.70 Acre in Ward No. 5/15 in Purnea Municipal Corporation



near Ambedkar Seva Sadan, on which buildings have been constructed illegally.

This Court is of the view that for the purposes of removal of illegal construction/ encroachment made by the private party on the public land/ land acquired by the NHAI for the purposes of construction of road, the petitioner is required to approach the Circle Officer concerned i.e. the Circle Officer, Purnea in the present case by filing appropriate complaint under the provisions of the Bihar Public Land Encroachment Act, 1956.

Accordingly, the present writ petition stands disposed of with liberty to the petitioner to approach the Circle Officer, Purnea by filing appropriate complaint under the provisions of the Bihar Public Land Encroachment Act, 1956, which shall be examined by the said Circle Officer and appropriate action shall be taken by the Circle Officer concerned under the provisions of the Bihar Public Land Encroachment Act, 1956 expeditiously and in case any encroachment is found, the same shall be removed after seeking objection from the encroachers.

(Mohit Kumar Shah, J)

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