

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18763 of 2019

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Krishna Kant Mishra, Son of Late Sharda Kant Mishra, resident of Ward No. 3, Jhanjharpur, P.O. and P.S. Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The District Magistrate, Madhubani, District- Madhubani.
4. The Superintendent of Police, Madhubani, District- Madhubani.
5. The Sub- Divisional Officer, Jhanjharpur, District- Madhubani.
6. The Circle Officer, Jhanjharpur, District- Madhubani.
7. The Station Head Officer, Jhanjharpur Police Station- District- Madhubani.
8. The Executive Officer, Nagar Panchayat, Jhanjharpur, District- Madhubani.
9. Shyamanand Jha Son of Late Bedanand Jha, resident of Ward No. 3, Jhanjharpur, P.O. and P.S. Jhanjharpur, District Madhubani.
10. Shankar Jha, Son of Late Bedanand Jha, resident of Ward No. 3, Jhanjharpur, P.O. and P.S. Jhanjharpur, District Madhubani.
11. Rajesh Kumar Jha, Son of Late Bedanand Jha, resident of Ward No. 3, Jhanjharpur, P.O. and P.S. Jhanjharpur, District Madhubani.
12. Brajesh Kumar Jha, Son of Late Sudhir Kant Jha, resident of Ward No. 3, Jhanjharpur, P.O. and P.S. Jhanjharpur, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Respondent/s : Mr.Abbas Haider (Sc6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-09-2019 The present writ petition has been filed for directing the respondent authorities to remove the encroachment over the public road which passes from the house of late Durganand Jha to the house of the petitioner situated under Ward No.3 of Nagar Panchayat, Jhanjharpur bearing Khata No. 822, Khesra No. 3860 which has been illegally encroached by the private respondents and others.

This Court is of the view that for the purposes of removal



of encroachment from the public land, the petitioner is required to approach the Circle Officer concerned i.e. the Circle Officer, Jhanjharpur, District Madhubani by filing an 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, Jhanjharpur, District Madhubani by filing an appropriate complaint under the provisions of the Bihar Public Land Encroachment Act, 1956, which shall then be examined by the Circle Officer, Jhanjharpur, District Madhubani and thereafter appropriate action shall be taken for removal of the encroachment in case the Circle Officer, Jhanjharpur, District Madhubani finds that the public land has been encroached by the private respondents.

It is needless to state that the Circle Officer, Jhanjhapur, District Madhubani shall be bound to pass final orders under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after giving an opportunity of hearing to the encroachers.

(Mohit Kumar Shah, J)

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