

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.260 of 2018

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Rajesh Kumar Son of Shri Bhupesh Gupta, resident of 'Shourya Hotel'
adjacent to Patliputra Golambar, P.O and P.S. Patliputra, Patna- 800013.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Sadar, Patna- 800001.
4. The Senior Superintendent of Police, Patna- 800001.
5. The City Superintendent of Police Central, Patna- 800001.
6. The Traffic Superintendent of Police, Patna- 800001.
7. The Traffic Deputy Superintendent of Police, 3rd, Patna- 800001.
8. The Deputy Superintendent of Police, Law and Order, Kotwali Police Station
Campus, Patna- 800001.
9. The Station House Officer, Patliputra, Police Station, Patna- 800013.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. S.S.Thakur, Adv.
For the Respondent/s : Mr. Ajay, GA-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 08-01-2019

Heard Mr. Shambhu Sharan Thakur, learned Counsel for
the petitioner and Mr. Ajay, learned GA 5 for the State.

The petitioner by way of public interest, complains of
encroachment on a public road running between Kurzi More to
Gosai Tola in the town and District of Patna.

The petitioner relies upon a representation addressed to
the District Magistrate for the purpose and to raise complaint that
it has gone asking.



In our opinion, any complaint for removal of encroachment on a public road has to be made in accordance with the provisions of Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') by arraigning the encroachers and explaining the encroachment made by them as per estimation of the complainant. The reason is because the Collector under 'the Act' needs to notice these encroachers and hear them before he proceeds to pass any order thereon. The scheme of 'the Act' allows a complainant as well as the encroachers to be heard in the matter on the complaint.

In the nature of representation that is present on record of the proceedings this exercise cannot be carried out.

Nonetheless since there is a complaint as regarding encroachment on a public road, we would permit the petitioner to move an appropriate application before the Collector under 'the Act' by arraigning the alleged encroachers and explaining the encroachment and it goes without saying that any such application filed by the petitioner would be considered and disposed of by the Collector under 'the Act' in accordance with law and after opportunity of hearing to the alleged encroachers by a speaking order to be passed expeditiously and preferably within three months of filing of the application.



With the observations and directions above, we dispose
of the writ petition.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Archana/
Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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