

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22312 of 2019

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Ajay Kumar, Son of Late Muneshwar Prasad, Resident of Mohalla- Mirja Tola Chhawani, P.S.- Bettiah town, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform Government of Bihar, Patna.
2. The Collector Cum- District Magistrate West Champaran at Bettiah.
3. The Deputy Development Commissioner-Cum- Chief Executive Officer Zila Nagar Parisad Bettiah, District- West Champaran.
4. The Executive Officer Zila Nagar parisad At Bettiah, District- West Champaran.
5. The Sub- Divisional Officer at Bettiah, District- West Champaran.
6. The Anchal Adhikari Anchal Bettiah, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shiv Kumar Dwivedy, Adv.
For the State	:	Mr. Rakesh Ranjan, AC to AAG-12
For Respondent No. 3	:	Mr. Bashishtha Narayan Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-12-2019 A counter affidavit has been filed on behalf of the State, which is being taken on record.

2. This writ application has been filed being aggrieved by the intention of the respondents to demolish the residential house of the petitioner constructed over part of Plot No. 736 and 737 of Khata No. 234 situate at Mirza Tola Chhawani, Bettiah, West Champaran.

3. Learned counsel appearing on behalf of the petitioner has submitted that the said construction has been



made by the petitioner over the land which belongs to him and the respondents have marked a portion of the building for the purpose of demolition. Under the apprehension that the respondents may demolish the house because the house has been marked by the respondents without duly measuring the area in question, this writ application has been filed before this Court.

4. It has, however, been stated in the counter affidavit that after proper measurement done by the Anchal Amin, encroachment has been found to have been caused by the petitioner and accordingly, the house has been marked.

5. Be that as it may, if it is the case of the respondents that the petitioner has constructed/ erected any construction over a public land, which requires to be demolished, the respondents will have to adopt the procedure prescribed under Bihar Public Land Encroachment Act, 1956 and the same can be done after giving the petitioner an opportunity of representation prescribed therein. It goes without saying that it shall be open for the respondents to take recourse to Section 133 of the Cr.P.C.

6. With the observations as above, this writ application is disposed of.

Rajesh/-

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(Chakradhari Sharan Singh, J)

