

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22848 of 2019

=====

Anoj Saw son of Kedar Saw Resident of Village- Yadopur, Gowasa, P.S.
Pandarak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj
Department, Govt. of Bihar.
2. The District Magistrate, Patna.
3. The Deputy Development Commissioner, Patna.
4. The Block Development Officer, Pandarak Block, District- Patna.
5. The Mukhiya of Gowasa Shekhpura, Gram Panchayat, P.S./ Block Pandarak,
District Patna.
6. The Ward Implementation and Management Committee of Ward No. 16,
Gram Panchayat, Gowasa, Shekhpura, P.S. Pandarak, District- Patna through
its Secretary.
7. The Secretary of Ward Implementation and Management Committee of
Ward No. 16, Gram Panchayat Gowasa, Shekhpura, P.S./ Block Pandarak,
District- Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Adv.
For the Respondent/s : Mr.Pushkar Narain Shahi (Aag6)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

2 21-11-2019 This Public Interest Litigation has been filed with a



prayer to restrain the respondents from constructing the water tank under the 'Mukhya Mantri Saat Nischay Yojna' on a public path which is only 6-7 feet wide gali in ward No.16, Village- Yadopur, Gram Panchayat Gowasa-Seikhpura, P.S. Pandarak, District Patna.

Whether the land in question is a public land or a private land is to be decided by the respondent authorities, the issue being a question of fact.

It is submitted that a representation to this effect has already been filed before the B.D.O. concerned on 19.10.2019.

Considering the nature of grievance raised the present application, the petitioner is permitted to file a representation to the concerned Circle Officer within a period of three weeks, whereupon the concerned Circle Officer will examine the revenue records and, if need be, will make spot verification within four weeks of submission of the representation whereupon, if it appears to him that public path way has been encroached upon, then he will initiate an encroachment proceeding under the Bihar Public Land Encroachment Act, 1956 and will take the same to its logical conclusion within a period of three months after giving due opportunity of hearing to all affected persons.



With the aforesaid observations, this application is
disposed of.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

K.C.Jha/-

U			
---	--	--	--

