

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22678 of 2019

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Hari Sonar @ Hari Verma Son of late Lal Bahadur Sonar@ Lal Bahadur Sah,
Resident of Village Sansarpur, P.S. and Anchal Bhorey, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Joint Director, Agriculture Census, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Collector, Gopalganj, District- Gopalganj.
5. The Additional Collector, Gopalganj, District- Gopalganj.
6. Sub Divisional Public Grievances Redressal Officer, Hathua, District- Gopalganj.
7. The Deputy Collector, Land Reforms, Hathua, District- Gopalganj.
8. The Prabhari Padadhikari, Zila Legal Cell Collector, Gopalganj, District- Gopalganj.
9. The Anchal Padadhikari, Bhorey, District- Gopalganj.
10. Yugal Kishore Verma, Son of Dhan Bhagat Resident of Village- Sansarpur, P.S. and Anchal- Bhorey District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suresh Prasad Bhakta
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-11-2019

1. The present writ petition has been filed for quashing the order dated 14.03.2019 passed by the Additional Collector, Gopalganj in Complaint no. 5151101120198015 38/1A dated 13.12.2018 as also the order dated 27.07.2019 passed by the Collector, Gopalganj, whereby and whereunder the Circle Officer, Bhorey, Gopalganj has been directed to get



the encroachment made over the public land, removed within a period of 20 days.

2. The learned counsel for the petitioner has submitted that the authorities under the provisions of Public Grievance Redressal Act, 2015 do not have any power to direct for removal of the encroachment from the public land, inasmuch as the power to remove encroachment made over the public land is vested with the concerned Circle Officer under the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter to be referred to as the Act, 1956).

3. The aforesaid position, as existing in law, is not disputed by the learned counsel for the respondents.

4. Having regard to the facts and circumstances of the case and considering the fact that the authorities under the provisions of Public Grievance Redressal Act, 2015 do not have any power to direct for removal of encroachment from the public land, which right is exclusively vested with the concerned Circle Officer under the provisions of the Act, 1956, I deem it fit and appropriate to quash the order dated 14.03.2019 passed by the Additional Collector, Gopalganj and the order dated 27.07.2019 passed by the Collector, Gopalganj. However, liberty is granted to the Circle Officer, Bhorey, Gopalganj to



initiate encroachment proceedings in accordance with the provisions of the Act, 1956.

5. The present writ petition stands allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2019
Transmission Date	NA

