

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25333 of 2019

-
1. Shivji Singh Son of Phudan Mahto, Resident of Village-Pipra, P.S.-Choutham, District-Khagaria, Pin Code-851201.
 2. Binod Kumar @ Vinod Kumar Singh, Son of Phudan Mahto, Ward No. 06, Pipra, District-Khagaria, Pin Code-851201.
 3. Chedi Singh, Son of Phudan Singh, Ward No. 04, Pipra, District-Khagaria, Pin Code-851201.
 4. Satish Mahto, Son of Phudan Singh, Ward No. 04, Pipra, District-Khagaria, Pin Code-851201.
 5. Yogendra Prasad Singh @ Yogendra Singh, Son of Ashiklal Singh, Ward No. 08, Village Bhatrindha, P.O.-Keshavnagar, P.S.-Choutham, Pipra, District-Khagaria, Pin Code-851201.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The District Collector, Khagaria, Bihar.
3. Circle Officer, Choutham, District-Khagaria, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjesh Prasad
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-12-2019 Heard learned counsel for the parties.

2. The petitioners have put to challenge an order dated 30.07.2019, passed by the Circle Officer, Chautham in Encroachment Case No. 09 of 2018-19 whereby, according to the petitioners, they have been asked to remove encroachments caused by them over public land. There is no order passed on 30.07.2019, rather a copy of the notice of the said date has been brought on record by way of Annexure-9 to the writ application,



which is addressed to one Yogendra Singh. It, however, transpires from the pleadings and the annexures on record that a proceeding for removal of encroachment from public land has been initiated.

3. It goes without saying that if in the opinion of the Circle Officer, the land over which the petitioners have made encroachment are public lands an action for removal of encroachment by demolishing a permanent structure can be carried out, in accordance with the provisions of Bihar Public Land Encroachment Act, 1956 or resorting to Section 133 of the Code of Criminal Procedure, 1973, in appropriate cases.

4. In any view of the matter, if any action is initiated for removal of encroachment by the authorities invoking provisions of Bihar Public Land Encroachment Act, the petitioners shall be given an opportunity of representation and in case their representation/explanation are not accepted by the Collector, of appeal under Section 11 of the Act.

5. This application stands disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

