

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24596 of 2019

-
-
1. Indra Sekhar Singh @ Indra Shekhar Singh Son of Rati Chandra Singh Resident of Village- Sukhsaina Tarabari, II Sharanpur Dabhra, P.S.- Tarabari, District- Araria.
 2. Mrityunjay Singh Son of Ratichandra Singh Resident of Village- Sukhsaina Tarabari, P.S.- Tarabari, District- Araria.
 3. Sanjay Kumar Mandal Son of Seetal Mandal Resident of Village- Lalpur Majhua Purab, P.S.- Bausi-Basaiti (Raniganj), District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
3. The Commissioner, Purnea Division, Purnea.
4. The District Magistrate, Araria.
5. The Sub-Divisional Officer, Araria.
6. The Circle Officer, Araria.
7. The Superintendent of Police, Araria.
8. The Officer-in-Charge, Tarabari Police Station, Araria.
9. Hari Mohan Mandal Son of Late Bishwanath Mandal Resident of Village- Sukhsaina Tarabari, P.S.- Tarabari, District- Araria.
10. Binod Mandal Son of Jagdish Mandal Resident of Village- Sukhsaina Tarabari, P.S.- Tarabari, District- Araria.
11. Gajanand Mandal Son of Late Rameshwar Mandal Resident of Village- Sukhsaina Tarabari, P.S.- Tarabari, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Advocate
For the State	:	Mr. Sajid Salim Khan, S.C. 25
		Mr. W.A. Khan, A.C. to S.C. 25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 10-12-2019

Heard learned counsel for the parties.

The land appertaining to Khata No. 14, Khesra No. 733
in Sukhsaina, Ward No. 14, in the District of Araria and road
running from Tarabari to Kolahpur is being described in the writ



application as public land which has been encroached upon by the private respondents.

3. The petitioners are accordingly seeking a direction to the respondents to remove encroachment from public land.

4. Learned counsel appearing on behalf of the Respondents state of Bihar has drawn my attention to Annexure-1 of the writ application to submit that initiation of proceeding under Section 107 of the Cr. P.C. has been recommended by the Officer-in-Charge of the Police Station.

5. Be that as it may, in the facts and circumstances of the case, this writ application is disposed of with a direction to the concerned Circle Officer/Magistrate to examine whether the land in question, is a public land, or not. Once, the concerned authority reaches a conclusion that the said land is a public land which has been encroached upon by any individual, he shall be obliged to proceed for removal of such encroachment in accordance with law, particularly, the procedure prescribed under the Bihar Public Encroachment Act and Section 133 of the Cr. P.C., if so required.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	12/12/2019
Transmission Date	N.A.

