

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24297 of 2019

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Ramshekhar Jha S/o Late Harinarayan Jha, resident of Village- Bhalpatti,
Ward No. 11, P.s.- Darbhanga Sadar, Distt.- Darbhanga

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna
2. The Commissioner, Darbhanga Division, Darbhanga
3. The Collector, Darbhanga
4. The Sub Divisional Officer, Darbhanga Sadar, Darbhanga
5. The Circle Officer, Darbhanga Gramin, District- Darbhanga
6. Manikant Jha @ Manikant Mani S/o Late Laxmi Narayan Jha, resident of Village- Bhalpatti, P.S.- Sadar, Darbhanga, District- Darbhanga

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Manish Jha
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)
Miss. Sngha Mitra Ghosh, AC to G.P.15.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-12-2019 In the present writ application, the petitioner has challenged an order dated 03.09.2019 passed by the Additional Collector, Darbhanga in Encroachment Appeal No.44/2017-18, whereby the petitioner's appeal filed under Section 11 of the Bihar Public Land Encroachment Act, 1956 against an order of the Circle Officer, Sadar Darbhanga in Encroachment Case No. 01 of 2018/30 of 2017-18 has been dismissed.

It transpires from the impugned order, which has been brought on record by way of Annexure-7 to this application, that Encroachment Case was registered under an order of this Court dated



01.08.2017 passed in C.W.J.C.No.9190 of 2017 filed by respondent no.6. In the said writ application, respondent no.6 had alleged that the petitioner and others had encroached over the said public land.

From the impugned order, it can be easily noticed that the land, over which the petitioner had made construction, is admittedly a public land. The petitioner, however, took a plea that he had given a piece of his raiyati land for construction of public road to the State Government and in exchange thereof, he had been allotted the land in question, over which he made the construction in question. It transpired that the petitioner could not produce any legal evidence in support of his case of exchange of the lands before authorities. On perusal of the impugned order, I find that encroachment over a public land by the petitioner was an admitted fact, founded on which the impugned order has been passed.

I do not find any infirmity in the impugned order, in view of the undisputed fact that the petitioner has encroached a public land unauthorisedly.

This writ application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

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