

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23648 of 2019

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Ajay Kumar Jha @ Ajay Yash Son of Jatadhar Jha Resident of Village-Chatra, Police Station- Arer, District- Madhubani, At present resident of Village- Chakdah, P.S. Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer, Benipatti, P.S.- Benipatti, District- Madhubani.
4. The Circle Officer, Benipatti, P.S.- Benipatti, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar
For the Respondent/s : Mr.Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-11-2019 Heard learned counsel for the parties.

2. Learned counsel for the petitioner is permitted to make necessary correction of a typographical error in paragraph 1 of the writ application in course of the day.

3. The petitioner has a grievance that public road has been encroached upon by private persons for removal of which he has approached the Circle Officer Benipatti. The petitioner claims to have approached the Circle Officer in September, 2017 by making an application, which has been brought on record by way of Annexure-4 to the writ application.

4. Instead of going into the merits of the claim, which



the petitioner has raised in the present writ application, it is considered appropriate to dispose it of with an observation that let Circle Officer, Benipatti in the District of Madhubani take a decision as to whether initiation of proceeding under Bihar Public Land Encroachment Act, 1956 is required or not within a period of one month from the date of receipt/production of a copy of this order.

5. It goes without saying if the Circle Officer is of the *prima facie*, view that any public land has been encroached upon by private person, he shall proceed accordingly for initiation of a proceeding under the Act.

6. This disposes of the application.

(Chakradhari Sharan Singh, J)

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