

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24564 of 2019

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Surendra Pathak Son of Kamala Pathak, Resident of Village- Itadhiya, P.S.
Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Buxar.
2. The District Magistrate-Cum-2nd Appellate Authority, Public Grievance Redressal, Buxar.
3. Additional Collector (Public Grievance Redressal)-Cum- District Public Grievance Redressal Officer, Buxar.
4. The Incharge District Public Grievance Redressal Officer, Buxar.
5. The Sub Divisional Public Grievance Redressal Officer, Buxar.
6. The Circle Officer, Block- Rajpur, District- Buxar.
7. The Anchal Amin, Block Rajpur District- Buxar.
8. Moti Ram, Son of late Phool Chand Ram, Resident of Village- Itadhiya, P.S. Dhansoi, District- Buxar.
9. Vijay Ram, Son of late Triyanshu Ram, Resident of Village- Itadhiya, P.S. Dhansoi, District- Buxar.
10. Dhanji Ram, Son of late Bihari Ram, Resident of Village- Itadhiya, P.S. Dhansoi, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Om Prakash, Adv.
For the Respondent/s : Mr. Abhoy Kr. Kashyap, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-12-2019 Heard learned counsel for the parties.

2. It is the case of the petitioner that despite orders passed by the authorities under Bihar Right to Public Grievance Redressal Act, 2015 for removal of encroachment from public land, the encroachments, caused by private respondents no. 8 to 10, from a public land in the nature of PCC road have not been



removed.

3. From the orders passed by the authorities under the Act, it does not appear whether the private respondents were given any opportunity of representation or not. In any view of the matter, the Collector under Bihar Public Land Encroachment Act, 1956 has the jurisdiction to remove encroachment in accordance with the procedure prescribed therein.

4. On the basis of the orders passed by the Public Grievance Redressal Officer and the appellate authorities, it transpires that the respondents have reached a conclusion that the land in question has been encroached upon by the private respondents. That can be a basis for the Collector under the Act to form an opinion to proceed for removal of encroachment.

5. This writ application is accordingly disposed of with a direction to the Circle Officer (Collector under the Act) to proceed for removal of encroachment in accordance with the provisions under the Act, expeditiously.

6. It goes without saying that the Collector or the Sub-Divisional Magistrate has a power to remove public nuisance or obstruction on a public road exercising power under Section 133 of the Cr.P.C. The Sub-Divisional Officer will also be obliged to look into this aspect of the matter and take appropriate steps for



removal of the encroachment in accordance with law.

7. Encroachment case pending before the Circle Officer, Rajpur, Buxar must be brought to its logical conclusion within three months from the date of receipt/ production of a copy of this order.

(Chakradhari Sharan Singh, J)

Rajesh/-

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