

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25066 of 2019

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Ram Vikash Prasad Yadav, Son of Shiv Chandra Yadav, Resident of Village-
Inarwa, P.S. Ramgarhwa, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector East Champaran, Motihari.
3. The Sub Divisional Officer Raxaul, Motihari.
4. The Circle Officer Ramgarhwa, Motihari.
5. Sunil Ram S/o Dhrupdeo Ram Resident of Village- Inarwa P.S.-
Ramgarhwa, Distt.- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Adv.
For the Respondent/s : Mr. Birendra Pd. Singh, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-12-2019 Petitioner is seeking a direction commanding the

Circle Officer, Ramgarhwa in the district of East Champaran to

remove encroachment made by respondent no. 5 over main

public road appertaining to Khata No. 104, Khesra No. 446

situate in village Inarwa in the said district. Respondent no. 5 is

said to have erected *Pucca* construction over the said public

land.

The petitioner is said to have approached the Public

Grievance Redressal Officer, Raxaul, East Champaran in this

regard.

In my opinion, if the land in question is a public land



over which encroachment has been made by respondent no. 5, which has effect of causing public nuisance or obstruction in movement over public road, the Magistrate under Section 133 of the Cr.P.C. has not only jurisdiction but an obligation to take appropriate steps. The Collector within the meaning of Bihar Public Land Encroachment Act, 1956 has also jurisdiction to take appropriate steps in this regard. The petitioner shall be at liberty to invoke the said provision with reference to a Division Bench decision of this Court in case of *Sanjay Jha vs. The State of Bihar and others* reported in *2016(1) PLJR 248*.

The writ application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Rajesh/-

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