

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25056 of 2019

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Archna Shrivastava, Wife of Jyoti Srivastava @ Dhirendra Kumar Srivastava,
Resident of Village- Naya Bazar, Nariyar, Ward No. 3, P.S. Saharsa Sadar,
District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Urban and Rural Development and Housing Department, Patna.
2. The Collector Cum District Magistrate, Saharsa.
3. The Executive Officer, Nagar Parishad, Saharsa.
4. The Commissioner, Koshi Division, Saharsa.
5. The Sub- Divisional Officer, Saharsa Sadar.
6. The Circle Officer, Saharsa.
7. The Anchal Amin, Kahra, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. R.C. Thakur, Advocate Mr. Kamal Kishor Singh, Advocate Mr. Anil Kumar, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, S.C. 9 Ms. Deepika Sharma, A.C. to S.C.9
For Respondent No. 3	:	Mr. Abhay Shankar Singh, Advocate Saharsa Nagar, Parishad.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 13-12-2019

Heard learned counsel for the parties.

2. The petitioner has grievance against a notice dated 11.10.2019 issued by the *Nagar Parishad*, Saharsa, whereby he has been asked to remove encroachment, alongside to a PCC road, in the nature of boundary/fencing/small stairs etc. caused over public land. It has further been mentioned in the said communication that the petitioner should inform within one week



that he has removed the said encroachment, else the encroachment shall be removed with the help of the Magistrate and Police.

3. Learned counsel appearing on behalf of the petitioner assailing the impugned notice, has submitted that despite the fact that the petitioner has not caused any such encroachment as indicated in the notice, such notice has been issued to him. He has also submitted that in the name of removal of encroachment from public land, the respondents are bent upon to demolish the petitioner's house duly constructed. He has reiterated that the encroachment of the nature as mentioned in the said notice, is not his creation.

4. The petitioner is said to have responded to the said notice dated 11.10.2019.

5. If the petitioner has not encroached upon any public land, there is no need for him to worry in view of the said notice dated 11.10.2019. Encroachment caused over public land, particularly, from road/drainage will have to be urgently removed by the authorities, which is their statutory duty and obligation. So far as the petitioner's case that his *pucca* construction of house may be demolished in the name of the said notice is concerned, in my view, the authorities can do so in accordance with the



provisions under Section 133 of the Cr. P.C. and Bihar Public Land Encroachment Act, 1956, in accordance with law.

6. This writ application stands disposed of.

7. If the petitioner has still any grievance, he shall be at liberty to approach the Public Grievance Redressal Officer under the Bihar Public Grievance Redressal Act, 2015.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	20/12/2019
Transmission Date	N.A.

