

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24253 of 2019

Depu Kumar, son of late Mahesh Singh, resident of Rukanpura, Police Station- Rupaspur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. Sub-Divisional Magistrate, Danapur, Patna.
4. Special Secretary-cum - Engineer - in- Chief, Road Construction Department, Patna.
5. The Executive Engineer, Road Construction Department, New Capital Road Division, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Raj Shekhar

For the Respondent/s : Mr. Majid Mahboob Khan, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-12-2019 The petitioner is seeking direction restraining the respondents from demolishing the petitioner's building, which, according to him, has been constructed over his ancestral land.

Learned counsel appearing on behalf of the petitioner has submitted that certain public land, adjacent to the petitioner's house, was illegally encroached upon by some private persons and, in the process of removal of those encroachments, petitioner's house has also been marked for demolition.

The petitioner is said to have filed a representation before the Collector, Patna, in this regard.



The land, over which the petitioner's house is said to be situated, is his private land or a public land, can be decided in an appropriate proceeding in accordance with law. If the petitioner has made any construction or any illegal construction is there over a public land, the same can be removed only after following the procedure prescribed under the Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act').

This application is disposed of with the observation that the authorities shall be at liberty to proceed in the matter of removal of encroachment in accordance with the provision of the Act.

(Chakradhari Sharan Singh, J)

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