

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24313 of 2019

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Md. Shamim, son of Late Md. Shamshul Hak, resident of Village-
Satamalpur, P.S.- Warisnagar, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department
Patna, Bihar.
2. The District Magistrate, Samastipur.
3. The Executive Engineer, Flood Control Department, Water ways Division,
Jitwarpur, Samastipur.
4. The Sub Divisional Officer, Samastipur.
5. The Circle Officer, Warisnagar, Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Choudhary
For the Respondent/s : Mr.Sajid Salim Khan (SC25)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 06-12-2019 In the present writ application, it is case of the

petitioner that certain encroachment has been made by private
persons over a public land, situated in Satmalpur village under
Warisnagar Block in the district of Samastipur. The petitioner is
seeking direction to the respondents to remove the said
encroachment from the public land.

It appears from the writ application that the petitioner
had approached the Circle Officer, Warisnagar Block and other
concerned higher officials for removal of encroachment in the
month of October, 2019 by making representations. It is being
submitted that till date, no action has been taken.



Considering the facts and circumstances and in view of nature of grievance made in the writ application, the writ application is disposed of with a direction to the respondents, particularly the Circle Officer, Warisnagar, Samastipur to examine the grievance of the petitioner. If the petitioner files fresh representation along with copy of this order and the Circle Officer is of the view that there is encroachment over the public land, he will be required to redress grievance of the petitioner in accordance with the provisions under the Bihar Public Land Encroachment Act. It goes without saying that Section 133 Cr.P.C. also enables the concerned Magistrate to exercise power for removal of encroachment/nuisance from a public land in case of urgency, which power may also be exercised by the Magistrate, if he thinks fit and proper.

(Chakradhari Sharan Singh, J.)

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