

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1970 of 2020

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Mahaveer Prasad Akela @ Mahaveer Akela, S/o Late Sitaram Aggrawal,
resident of New Area, Ward No. 11, P.s.- Aurangabad Nagar, Aurangabad,
District- Aurangabad 824101.

... .. Petitioner/s

Versus

1. The State of Bihar through the chef Secretary, Government of Bihar.
2. The Principal Secretary, Land, Reforms Department, Patna.
3. District Magistrate, Aurangabad.
4. Executive Officer- Aurangabad Nagar Parishad, District Aurangabad.
5. Circle Officer, Aurangabad Block District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)
		Mr. Saurabh Kumar, AC to SC-19.
For the Respodnent No.4:		Mr. Surendra Prasad Singh, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 29-01-2020 Petitioner has prayed for the following reliefs:-

“(i) To issue an appropriate writ commanding the respondents to remove illegal encroachment and construction pertaining to Khata No. 157, Plot No. 235, Thana No. 560, under Block Aurangabad after conducting fresh measurement of land in question, which is public land as per the entries in revenue survey and the same has been encroached upon by private individuals.

(ii) To issue an appropriate writ commanding the Respondents to implement their own resolution as contained in Annexure-5 in its directive principles.

(iii) To issue an appropriate writ/direction/order



including a writ in nature of mandamus thereby directing the Respondent No. 3 to demolish illegal construction and to stop further encroachments, illegal as per the provisions of the Bihar Encroachment Act, 1956.

(iv) To issue an appropriate writ/direction/order including a writ in nature of mandamus thereby directing the respondent No. 3 to 5 to demarcate and remove entire illegal encroachments, illegal constructions from the public land.

After the matter was heard for some time, learned counsel for the petitioner, restricted the prayer, seeking direction for disposal of his request, Annexure-4, dated 13.09.2019, pending before the District Magistrate, Aurangabad.

Learned counsel for the State states that under the provisions of the Bihar Public Land Encroachment Act, 1956, the appropriate authority is the Circle Officer and not the District Magistrate.

Faced with such a situation, learned counsel for the petitioner submits that a fresh application shall be filed before the appropriate authority under the Act.

Learned counsel for the State states that upon receipt of such representation, if any, the same shall be considered in accordance with law and a decision will be taken by passing a speaking order, after compliance of principles of natural justice,



within a period of six months.

The petition is accordingly disposed of.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

sujit/-

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