

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25110 of 2019

=====

Rambabu Yadav, S/o Late Ramsajivan Yadav, Resident of Village Bisfi Dih,
P.S. Bisfi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Madhubani.
2. The Collector, Madhubani.
3. The Sub-divisional Officer, Benepatti, Madhubani.
4. The Circle Officer, Bisfi, District-Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanat Kumar Mishra, Adv.
For the Respondent/s : Mr.Sangha Mitra Ghosh, AC to GP-15

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-01-2020 Heard learned counsel for the parties.

2. This writ application has been filed seeking quashing of letter dated 27.11.2019, issued to the petitioner, whereby he has been directed to vacate a public land which have been found to be in the nature of public road and drainage, in an order dated 10.01.2006, passed in Title Suit No. 51 of 2004 under Section 106 of the Bihar Tenancy Act, 1885.

3. The petitioner does not dispute that the said order dated 10.01.2006 was passed in which the land in question was held to be in the nature of public road and drainage. It is, however, the petitioner's case that the said letter could not have been issued without initiation of any proceeding under the Bihar



Public Land Encroachment Act, 1956.

4. Unfortunately, the said order dated 10.01.2006 has not been brought on record. The petitioner himself admits that there is a conclusive finding to the effect that he has been found to have encroached upon the public land in a proceeding under Section 106 of the B.T. Act in 2006. His plea, after 13 years of the said order, that a proceeding should be initiated under the provisions of Bihar Public Land Encroachment Act, 1956 is absolutely not *bonafide*, particularly without bringing on record the said order dated 10.01.2006.

5. This application has no merit, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Rajesh/-

U			
---	--	--	--

