

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1980 of 2020

Ashok Kumar @ Ashok Mahto S/O Late Nanhak Mahto, R/O village- Moriyama, P.S. and anchal Dhanarua, District- Patna Pin code- 804451. (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reform and Revenue Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Deputy Collector Officer Land Reforma, Masaurhi, Patna.
4. Sub-Divisional officer, Masaurhi, Patna.
5. Bock Development Officer, Dhanarua, Patna.
6. Circle Officer Block- Dhanarua, Patna (Jitendra Prasad Singh).
7. Suresh Sao, Mukhiya Gram panchayat, Raj Moriyama, Anchan- Dhanarua, Patna.
8. Panchayat Secretary, Gram Panchayat Raj, Moriyama, Anchal- Dhanarua.
9. Station House Officer, P.S.- Dhanarua, Patna.
10. Kamlesh Mahto, S/O Ramishawar Mahto, Village- Moriyama, P.S. Dhanarua, District- Patna, Pin code- 804451 (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar
For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 09-02-2021

The present petition has been filed for removal of encroachment made by private respondent no. 10 as also for payment of compensation to the petitioner herein on account of illegal action of the respondent no. 6, whereby and whereunder the southern and western portion of the boundary wall of the petitioner's house has been demolished.

This Court finds that first of all, as far as removal of encroachment made by the private respondent no. 10 is concerned,



the same is required to be considered by the concerned Circle Officer, i.e. the C.O., Dhanarua (Patna) in the present case, in accordance with the provisions contained in the Bihar Public Land Encroachment Act, 1956 and, secondly as far as the prayer of the petitioner for payment of compensation is concerned, it has to be first decided as to whether the boundary wall of the house of the petitioner had been or had not been demolished illegally by the respondent no. 6.

In such a situation, more so since this Court cannot delve into the disputed question of facts, it would be appropriate to relegate the petitioner to the remedy of filing appropriate petition, regarding his aforesaid grievances before the District Magistrate, Patna, who shall then decide the same in accordance with law.

Accordingly, the present petition stands disposed off with liberty to the petitioner to file appropriate representation before the District Magistrate, Patna regarding his aforesaid grievances within a period of four weeks from today, which shall be disposed off, in accordance with law, by the learned District Magistrate, Patna, within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

S.Sb/-

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CAV DATE	
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