

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8397 of 2022

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1. Dev Narayan Sharma S/o Late Ramkaran Sharma Resident of Village- Basadhiya, P.S.- Dalsingsarai, District- Samastipur.
 2. Sanjit Kumar Sharma S/o Dev Narayan Sharma Resident of Village- Basadhiya, P.S.- Dalsingsarai, District- Samastipur.
 3. Bimal Kumar S/o Rooplal Singh Resident of Village- Basadhiya, Ward No.8, P.S.- Dalsingsarai, District- Samastipur.
 4. Prabhat Kumar Singh S/o Ram Jyoti Singh Resident of Village- Ballochak, P.S.- Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Revenue, Old Secretariat, Govt. of Bihar, Patna.
2. The Collector, Samastipur.
3. The Sub-Divisional Officer, Dalsingsarai, Samastipur.
4. The Circle Officer, Dalsingsarai, Samastipur.
5. The Circle Inspector, Dalsingsarai, Samastipur.
6. The Halka Karamchari, Dalsingsarai, Samastipur.
7. Devendra Prasad Singh S/o Late Sunder Singh Resident of Village- Basadhiya, P.S.- Dalsingsarai, District- Samastipur.
8. Ram Sagar Sharma S/o Late Raghunandan Sharma Resident of Village- Basadhiya, P.S.- Dalsingsarai, District- Samastipur.
9. Vinod Kumar Son of Ram Sagar Sharma Resident of Village- Basadhiya, P.S.- Dalsingsarai, District- Samastipur.
10. Manoj Kumar Son of Ram Sagar Sharma Resident of Village- Basadhiya, P.S.- Dalsingsarai, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Adv.
For the Respondent/s : Mr.Mukul Prasad, AC to GP- 18

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-06-2022 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners in this case are seeking a writ in the nature



of mandamus commanding the respondent nos. 2 to 6 to take suitable steps to remove the encroachment over the public land.

The petitioners claim that the said public land is situated just by the side of National Highway No.28 and it has been encroached by the private respondent nos. 7 to 10. Learned counsel for the petitioners submits that in this regard a representation has been made to the District Magistrate, Samastipur vide Annexure-5 to the writ application but till date the same has not been considered.

Learned counsel for the State submits that the petitioners have not filed an appropriate application in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956 (in short 'Act of 1956').

Be that as it may, without going into the merit of the contentions, at this stage, this Court directs the District Magistrate, Samastipur to look into the grievance of the petitioner and examine the same. If the grievance of the petitioners is found correct, the same may be referred to the competent authority under the provisions of the Act of 1956 for initiation of an appropriate proceeding.

It is made clear that this order of the Court shall not be taken as any opinion of the Court on the merit of the case and



it is open for both sides to place their matter before the competent authority who will examine the same in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

