

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6928 of 2023

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Ashok Kumar Singh S/o Late Siyaram Singh Resident of Village-Haya, Post-Chiraila, Anchal-Gaighat P.S.-Gayaghat, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The Additional Collector, Muzaffarpur.
5. The Sub-Divisional Officer, Gayaghat, District-Muzaffarpur.
6. The Deputy Collector, Land Reforms, Gayaghat, District-Muzaffarpur.
7. The Circle Officer, Gayaghat Circle, District-Muzaffarpur.
8. The Circle Inspector, Circle Gayaghat, District-Muzaffarpur.
9. Md. Sultan Son of Nazmu Rahman @ Basarat Resident of Vilalge-Jaya, Post-Chiraila, Anchal -Gayaghat, P.S.-Gayaghat, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratan Kumar Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed for directing
the respondent to remove the encroachment of public land
and petitioner's land which has been encroached by the
private respondent.



3. Learned counsel for the State raised preliminary objection and submits that the liberty to the petitioner for removal of encroachment on the public land is to file application before the Circle Officer under the Bihar Public Land Encroachment Act, 1956. He further submits that for the purpose of ascertainment that whether the said respondent has encroached on the private land of the petitioner, measurement of the petitioner's land is required.

4. In this view of the matter, this writ petition is disposed of with direction that the petitioner may file application before the Circle Officer, Gayaghat, under Bihar Public Land Encroachment Act, for removal of encroachment on the public land. The petitioner may also file application before the Circle Officer for measurement upon payment of measurement cost in the light of Rule 23 of the Bihar Tenancy Rule of the B.T. Act within four weeks for measurement of his private land. Upon filing such application and making payment of measurement cost, the Circle Officer is directed to measure the land of the petitioner within two months from the date of appearance of all concerned, and also take action for encroachment of public land granting opportunity to all concerned.



5. With this direction, this writ application is disposed of.

(Dr. Anshuman, J)

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