

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13750 of 2023

Sanjay Kumar Paswan, Son of Late Bhagwan Paswan, Resident of Mohalla-Kurji, Balupar, P.S.- Digha, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. Nagar Prabandhak, Nagar Nigam, Bhagalpur.
4. Executive Officer, Municipal Corporation, Bhagalpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Indira Kumari, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG-7
Municipal Corpn. Bhagalpur: Mr. Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 30-11-2023

Heard the parties.

2. By way of this writ petition, the petitioner

has prayed for the following reliefs:-

“To quash the Letter No.2046 dated 04.09.2023 issued under the signature of Respondent No.3 namely, Nagar Prabandhak, Nagar Nigam, Bhagalpur by which he has directed the petitioner and three (3) others to vacate the land measuring 7 to 8 meter from main gate of Water Works Brari and after some distance 22 to 21 meter upon which encroachment has been made by the petitioner and three others and to vacate the same within fifteen days from the date of receipt of the notice



otherwise the alleged encroachment will be removed by the Nagar Nigam and the cost of the same would be recovered from the petitioner and other three persons to this writ petition and stay the operation of the impugned letter till disposal of the writ application.”

3. In the opinion of this Court, the petitioner cannot be evicted without initiation of appropriate proceeding under the Bihar Public Land Encroachment Act, 1956. In case, the Municipal Corporation, Bhagalpur claims title over the land in question, the Municipal Corporation may move before the Circle Officer concerned for removal of encroachment by way of filing appropriate application under the Bihar Public Land Encroachment Act, 1956. If such an application is filed by the Municipal Corporation, Bhagalpur, the Circle Officer concerned shall decide the same in accordance with law after hearing all the parties including the petitioner.

4. With the aforesaid observations and directions, this writ petition stands disposed of.

(Sandeep Kumar, J)

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