

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.76 of 2023

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Nagendra Pandey S/o- Late Ramjot Pandey Resident of- Prem Nagar, Village and Post and P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue and Reforms Department, Govt. of Bihar.
2. The Principal Secretary, C.M. Secretariate, Govt. of Bihar.
3. The Principal Secretary, Panchayat Raj Department, Govt. of Bihar.
4. The District Magistrate Cum-Collector, Bhojpur.
5. The Circle Officer, Ara Sadar, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Pathak, Adv.

For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-06-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for directing the respondent State to remove the encroachment and remove the un-authorized construction over the Raiyati/ Khatiyani land of the petitioner which was erected by the respondent State.

3. Learned counsel for the petitioner submits that on his land bearing Khata No.73, Plot No.54, Chak Khata No.39, Plot No.11, Revenue P.S. No.336, Mauja-Mishrauliya, area about 10 decimal a public building has been constructed on the instance of local M.L.A. He submits that petitioner has filed representation before the District Magistrate-cum-Collector, Bhojpur for his grievances but he sat over the matter.

4. Learned counsel for the State submits that under Land Acquisition Act, District Magistrate-cum-Collector is the competent authority, therefore, the petitioner may be directed to represent before the District Magistrate-cum-Collector and in this regard, counsel for the petitioner submits that representation of petitioner is till pending before the District Magistrate-cum-Collector.

5. In the present facts and circumstances, the petitioner is directed to file a fresh representation along with the copy of writ petition before the District Magistrate-cum-Collector, Bhojpur within four weeks from the date of passing of this order and the District Magistrate-cum-Collector, Bhojpur is directed to pass a reasoned order within six months thereafter in accordance with law either to return the land to the petitioner or to initiate the process of acquisition and make payment to the petitioner, if it has been found that there is entitlement of petitioner on the said land.

6. With this direction, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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