

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16701 of 2023

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Kushal Mandal Singh Son of Late Rajendra Prasad Singh @ Late Devendra Prasad Singh Resident of Village-Chandachak, P.O.-Kurthaul, P.s.-Parsa Bazar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue, Department, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Patna Sadar, Patna.
4. The Circle Officer, Phulwarisharif, Patna.
5. The Station House Officer, Parsa Bazar, Patna.
6. Mukesh Kumar Sinha Son of Late Sanjay Kumar Singh Resident of Village and P.O.-Dariyapur, P.S.-Parsa Bazar, District-Patna. At Present-Shiv Indra Niketan, Sardar Patel Path, North Krishnapuri, District-Patna.
7. Shailesh Kumar Sinha Son of Late Sanjay Kumar Singh Resident of Village and P.O.-Dariyapur, P.S.-Parsa Bazar, District-Patna. At Present-Shiv Indra Niketan, Sardar Patel Path, North Krishnapuri, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, AG
		Mr. Vikash Kumar, Advocate
		Mr. Rajesh Kumar, Advocate
		Mr. Vipin Kumar, Advocate
		Ms. Anjali Kumari, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJIV ROY)

2 01-12-2023 Heard the parties.

*2. The present petition has been preferred for
issuance of the appropriate writ/ writs/ direction/
directions/ order/orders commanding the respondents to
remove the encroachment (Iron Gate) from the public*



land/ public road/ Gairmajarua land bearing survey plot no. 491, in Mauza Kurthaul, Thana No.110, P.S.- Parsa Bazar, Anchal- Phulwarisharif, District- Patna, in respect of which encroachment Case no. 28/19-20 is pending but the same is not being disposed of and earlier self orders are not being executed by the Circle Officer, Phulwarisharif, Patna (Respondent no.4) in order to remove the encroachment (iron gate) .

3. We have repeatedly held that there is provision under the Bihar Public Land Encroachment Act, 1956 (henceforth for short 'the Act') to deal with such cases.

4. From the record, it appears that the petitioner has already approached the respondent no. 4, Circle Officer, Phulwarisharif, Patna vide Encroachment Case No. 28/19-20.

5. Instead of pursuing the matter before the concerned respondent, the petitioner has chosen to move this Court for the removal of the encroachment.

6. When an encroachment case is already pending, it would be proper for him to pursue the same before the concerned respondent.

7. So far as the respondent no. 4 is concerned, he should see to it that the Encroachment Case No. 28/19-20 is



taken to its logical conclusion expeditiously as it is of the year 2020.

8. This Court makes it clear that it has not touched upon the merit of the case and it is for the respondent no. 4 to decide the matter where it is pending since 2020.

9. The writ petition stands disposed of with the aforesaid observation.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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