

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11308 of 2018

Dayanand Arya Son of Bhoj Narayan Das Resident of Village - Amarpur,
Ward No. 10, P.O. and P.S. - Amarpur, District - Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector cum District Magistrate, Banka.
3. The Deputy Collector Land Reforms DCLR, Banka.
4. The Circle Officer, Amarpur Anchal, District - Banka.
5. Jagdish Das Son of Late Chanchu Das Resident of Village - Amarpur Banhara, P.O. and P.S. - Amarpur, District - Banka.
6. Rohin Das Son of Sukar Das Resident of Village - Amarpur Banhara, P.O. and P.S. - Amarpur, District - Banka.
7. Manoj Das Son of Late Manita Das Resident of Village - Amarpur Banhara, P.O. and P.S. - Amarpur, District - Banka.
8. Most. Kari Das Wife of Gurkan Das Resident of Village - Amarpur Banhara, P.O. and P.S. Amarpur, District Banka.
9. Ramrup Das Son of Ghoghan Das Resident of Village - Amarpur Banhara, P.O. and P.S. - Amarpur, District - Banka.
10. Nanku Das Son of Ghoghan Das Resident of Village - Amarpur Banhara, P.O. and P.S. Amarpur, District - Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Nath Jha, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-11
		Mr. Pratik Kumar, AC to GA-11

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 10-05-2024

Heard the parties.

2. The present writ petition by way of public interest
litigation has been preferred seeking a direction upon the
respondents especially respondent no. 4, the Circle Officer,



Amarpur to remove the encroachment from the village road in compliance of the order dated 10.09.2012 passed by D.C.L.R., Banka in BLDR Case No. 4/2012-13.

3. The contention of the writ petitioner in a narrow compass is that for removal of encroachment on the public road of village Banhara in Amarpur Circle, Banka. The petitioner and others filed an application before the Circle Officer, Amarpur. The matter was duly enquired and a report has been submitted showing acceptance of the encroachment on the public road. Despite notice to the encroachers, when the encroachment was not removed the petitioner approached before the DCLR Banka in BLDR Case No. 4/2012-13.

4. Learned Counsel for the petitioner further contended that the aforementioned case was disposed of with a direction to the Circle Officer to hold enquiry and remove encroachment but nothing was done, compelling the petitioner to approach before the DCLR Banka again. The compliance report has been sought for from the Circle Officer, Amarpur but nothing has been done till date. Hence, the present writ petition.

5. This Court is afraid when the petitioner has already invokes an efficacious alternative remedy under the Bihar Public Land Encroachment Act, 1956, hence invoking the



equitable jurisdiction of this Court under Article 226 of the Constitution of India is not warranted. The petitioner must exhaust the remedy available under the law.

6. Considering the fact that the petitioner has been pursuing his remedy and it is substantially in progress any order from this Court at this stage would be uncalled for.

7. The writ petition stands dismissed with the liberty aforesaid.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2024.
Transmission Date	NA

