

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17624 of 2024

Kamlesh Singh Son of Chhotan Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Nalanda at Biharsharif.
3. The Sub Divisional Officer-cum-Sub. Divisional Magistrate, Biharsharif.
4. The Deputy Collector, Land Reforms, Biharsharif (Nalanda).
5. The Anchaladhikari (Circle Officer), Anchal- Rahui, District- Nalanda.
6. Ram Akbal Singh Son of Late Baleshwar Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
7. Mithilesh Singh Son of Late Baleshwar Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
8. Nishant Kumar Singh Son of Late Surendra Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
9. Prashant Kumar Singh Son of Late Surendra Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
10. Bhola Kumar Singh Son of Late Rajendra Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
11. Santosh Kumar Singh Son of Late Rajendra Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
12. Saket Kumar Son of Late Awadhesh Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
13. Niranjana Kumar Son of Late Awadhesh Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
14. Pawan Kumar Singh Son of Late Shiv Kumar Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
15. Vijay Singh Son of Late Keshar Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
16. Ajay Singh Son of Late Keshar Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
17. Kapil Deo Singh Son of Late Keshar Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
18. Virendra Singh Son of Late Subedar Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.
19. Ritu Raj Son of Ajay Singh Resident of Village- Havanpura, P.S. and Anchal- Rahui, District- Nalanda, Pin Code- 803119.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Raj Bansh Dubey, Adv.
For the Respondent/s : Mr.Standing Counsel (6)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2024 The present writ petition has been filed to direct the Circle Officer, Rahui, District-Nalanda, i.e. the Respondent No. 5, to remove the encroachment made over public land, appertaining to Khata No. 750, Plots No. 2439, 2575 and 2576 and Khata No. 747, Plot No. 2410, situated at village-Havanpura, Circle-Rahui, District-Nalanda.

2. The learned counsel for the petitioner submits that earlier also, encroachment proceedings were initiated by the Respondent No. 5 and despite him having directed for removal of the encroachment in question till date the encroachment in question has not stood removed, hence, the petitioner be granted liberty to approach the Respondent No. 5 afresh, by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), however, the Respondent No. 5 be directed to take appropriate action, forthwith.

3. *Per contra*, the learned counsel for the Respondent-State submits that in case, the petitioner files appropriate petition under the provisions of the Act, 1956, appropriate enquiry shall



be made, forthwith.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file appropriate petition under the provisions of the Act, 1956, before the Respondent No. 5, within a period of four weeks from today, whereupon the Respondent No. 5 shall make appropriate enquiry within a period of four weeks, thereafter and in case, it is found that the land in question is a public land, which has been encroached, he shall initiate appropriate proceedings under the provisions of the Act, 1956, forthwith.

5. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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