

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6891 of 2022

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Prem Kumar Srivastav S/o Shambhu Saran Prasad Resident of Village-
Kesariya, Ward No. 07, P.S.- Kesariya, P.O.- Kesariya, East Champaran
(Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms, Govt. of Bihar, Patna.
2. The Secretary, Department of Health, Govt. of Bihar, Patna.
3. The District Magistrate, Motihari, East Champaran.
4. The Circle Officer, Kesariya, East Champaran.
5. The Medical Officer, Primary Health Centre, Kesariya, East Champaran.
6. The Civil Surgeon, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Verma, Sr. Adv. Mr. Rajneesh, Adv.
For the Respondent/s	:	Mr. Manoj Kumar Sinha, AC to SC19

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

10 01-09-2025 Heard both the sides.

2. The petitioner has filed this writ petition for issuance of direction upon the respondents to remove illegal encroachment and demolish the unauthorized construction over his Khatiyani ancestral land appertaining to Khata No. 290, Khesra No. 1316 area 2 Katha 18 Dhurs and Khesra No. 1318 area 7 Katha 5 Dhurs.

3. During the course of argument, learned counsel for the respondents submits that so far as the grievance raised by the petitioner is concerned, the same relates to complex question



of title and possession which cannot be decided under the writ jurisdiction and the petitioner may approach the concerned authority/ forum under the Bihar Public Land Encroachment Act, 1956/ Bihar Land Disputes Resolution Act, 2009 for redressal of his grievance.

4. This court finds substance in the aforesaid submission and considering the situation, this writ petition stands disposed of with giving the petitioner a liberty to approach the concerned authority/ forum under the Bihar Public Land Encroachment Act, 1956/ Bihar Land Disputes Resolution Act, 2009 for redressal of his grievance and if the petitioner avails this liberty within next four weeks then the concerned authority/ forum shall decide the case of the petitioner on merit as per the provisions of prevalent law and shall not dismiss the same merely on the ground of limitation.

5. Accordingly, this writ petition stands disposed of.

(Shailendra Singh, J)

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