

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19696 of 2024

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Shambhu Singh Son of Jagdish Singh resident of village and P.O.- Ladho,
P.S.- Biraul, District- Darbhanga, Pin- 847203.

... .. Petitioner/s

Versus

1. The State of Bihar through its Addl. Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector, Darbhanga.
3. The Sub-divisional Officer Biraul, District- Darbhanga.
4. The Sub-divisional Police Officer, Biraul, District- Darbhanga.
5. The Circle Officer, Block- Biraul, District- Darbhanga.
6. The SHO, Biraul Police Station, District- Darbhanga.
7. The Executive Engineer, Rular Works Department, Work Division- Biraul, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Respondent/s : Mr. P. K. Shahi, Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-01-2025

The petitioner's contention is that though a road of 2.085 kms was sanctioned to be constructed extending from village Ladho to Village Tola in Biraul Block, the construction has not been completed due to encroachments of the road. The Circle Officer in a Public Grievance Petition has sought for sufficient Police Force to remove the encroachment, as is indicated in Annexure-P/3, which is not granted by the Jurisdictional Police, is the contention.



2. We have to immediately notice that there is a remedy available to the petitioner under the Bihar Public Land Encroachment Act, which has to be approached for the purpose of removal of encroachment. We also notice that despite allegations of encroachment, none of the encroachers are made party in the writ petitioner. We are of the opinion that no coercive orders of vacation of premises can be issued unless the encroachers are heard; especially when the law demands that even rank trespassers are to be noticed before they are evicted from possession.

3. We find absolutely no reason to interfere and the present petition stands dismissed with the liberty aforesaid; without any observation on merits, or even the *locus standi* of the petitioner, which has to be decided by the Appropriate Authority under the Act of 1956; if a proper application is moved with the necessary parties arrayed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

