

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19448 of 2024

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Surendra Singh son of Late Maha Dev Singh resident of village- Agahra, P.O. Gaura, P.S. Gaura, District Saran at Chapra. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
 3. The District Magistrate Saran at Chapra, District - Saran at Chapra.
 4. The Deputy Collector Land Reforms, Marhaura District - Saran at Chapra
 5. The Circle Officer, Marhaura, District - Saran at Chapra
 6. Govind Ji Mishra son of Late Ramashankar Mishra resident of village-Agahra, P.O. Gaura, P.S. Gaura, District - Saran at Chapra.
 7. Kamakhya Mishra son of Late Ramashankar Mishra resident of village-Agahra, P.O. Gaura, P.S. Gaura, District - Saran at Chapra.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Awnish Kumar, Advocate
For the Respondent/s : Mr.Mirtyunjay Kr. AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 03-01-2025 1. Though the present petition has been filed for directing the Circle Officer, Marhaura, District-Saran at Chapra, i.e. the respondent no.5 to remove the encroachment made over land appertaining to Khata No.245, Plots No.2767 and 2643, situated at Mauza-Aghara, Pargana-Goa, Thana No.27, Circle-Marhaura, District-Saran at Chapra, however, at the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the respondent no.5 by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, nonetheless, seeks a direction upon the respondent no.5 to take appropriate action, within a fixed time frame.
2. Per contra, the learned counsel for the respondent-State



submits that in case appropriate petition is filed by the petitioner under the provisions of the Bihar Public Land Encroachment Act, 1956, before the respondent no.5, appropriate action, shall definitely be taken forthwith by taking recourse to the due process of law.

3. 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 Bihar Public Land Encroachment Act, 1956, for redressal of the aforesaid grievances, before the respondent no.5, within a period of four weeks from today, whereupon the respondent no.5 shall enquire into the matter within a period of four weeks and in case it is found that the land in question is a public land, he shall initiate appropriate proceedings under the provisions of the Bihar Public Land Encroachment Act, 1956 and after giving due opportunity to the affected persons, shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law, forthwith.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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