

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2118 of 2014

Soharai Dusadh, Son of Late Ugar Dusadh, Resident of Village - Kaler, P.S. -
Magadh Medical College, Gaya, District - Gaya

.... Petitioner

Versus

1. The State of Bihar through The Chief Secretary, Govt. of Bihar, Patna
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Collector, Gaya
4. The Additional Collector, Gaya
5. The Deputy Collector, Land Reforms, Sadar, Gaya
6. The Anchal Adhikari, Nagar, Gaya
7. Anugrah Narayan Magadh Medical College, through its Principal, P.S. - Magadh
Medical College, District - Gaya

.... Respondents

Appearance :

For the Petitioner : Shri Vikash Chandra (In person)
For the Respondents : Shri D.K. Sinha, AAG-2
Shri Alok Kumar Rahi, A.C. to AAG-2
Shri Abhinay Raj, A.C. to AAG-2

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-01-2015

The petitioner challenges an undated notice issued under the provisions of the Bihar Public Land Encroachment Act, by 6th respondent. His grievance is that the Deputy Collector, Land Reforms, Sadar, Gaya, the 6th respondent herein, passed an order dated 13.8.2013 correcting the service records to his detriment and even while an appeal filed against it is pending before the Commissioner, Magadh Division, Gaya, the impugned order

was issued.

Heard Shri Vikash Chandra, the petitioner, in person and Shri D.K. Sinha, for the respondents.

The basis for the 6th respondent to issue the impugned order appears to be the order dated 13.8.2013 passed by the 6th respondent. Once an appeal is pending before the competent authority against the order, it is not at all permissible for the 6th respondent to evict the petitioner.

We, therefore, dispose of the writ petition directing that the 6th respondent shall not proceed further till the appeal preferred against the order dated 13.8.2013 is disposed of by the appellate authority.

(L. Narasimha Reddy,CJ)

(Gopal Prasad, J)

K.C.jha/-

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