

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23655 of 2013

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Biphan Dusadh, son of late Ugar Dusadh, resident of Village- Kaler, P.S.- Magadh Medical College, Gaya, District- Gaya.

.... Petitioner/s

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.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birju Prasad, Advocate

For the Respondent/s : Mr. S. D. Sanjay, A.A.G.-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-02-2015

The petitioner challenges notice dated 06.11.2013 issued under the provisions of the Bihar Public Land Encroachment Act, by the Circle Officer, Nagar, Gaya- 6th respondent herein. His grievance is that the Deputy Collector, Land Reforms, Sadar, Gaya, the 5th 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 Birju Prasad, learned counsel for the petitioner and Sri S.D. Sanjay, learned A.A.G.-12, 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 5th 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)

(Vikash Jain, J)

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