

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12766 of 2016

=====

Nag Narayan Singh, son of Sri Ram Chandra Singh, Resident of Village- Noor Mohiuddinpur, Police Station Parsa Bazar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department,
3. The Collector, Patna.
4. Anchal Adhikari, Phulwarisharif, Patna.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate
Mr. Pramod Kumar Singh, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 16-09-2016

Heard parties.

Original records have been produced. It is contended on behalf of the State that final order under Section 6 of Bihar Public Land Encroachment Act, 1956 was passed on 29.07.2016 and, thereafter, the impugned notice was issued on 29.07.2016 itself to remove the encroachment till 20.08.2016.

Per contra, it is urged on behalf of the petitioner that even the impugned notice was issued without giving him 30 days time for filing the appeal and date of demolition was also fixed even before expiry of 30 days. That apart, it is also contended that, at one hand, the authorities are not supplying him the certified copy of the order so

that an appeal could be filed and, on the other hand, they are proceeding to demolish the house of the petitioner. In support of such submission, learned counsel has produced, though has not appended, the requisition filed for grant of certified copy of the order. It appears that the same was filed on 1.08.2016.

In my view, action of the authorities for not supplying the certified copy of the order has to be deprecated as the petitioner's house is under threat of demolition and the same should have been supplied to him within the prescribed period.

Accordingly, I direct the Authorities concerned to supply certified copy of the order to the petitioner within one week from today and, thereafter, let the petitioner file an appeal within a period of thirty days thereafter. If appeal is filed within thirty days, let the same be considered and disposed of in accordance with law. The petitioner would be at liberty to raise the issue of grant of stay of the impugned notice, as contained in Annexure-6, in the appeal itself. However, operation of the same shall be kept in abeyance till 45 days from today. In the meantime, the petitioner would be at liberty to seek such stay order from the appellate authority itself. In such case, the appellate authority would proceed to decide this issue also on its own merit and in accordance with law without being prejudiced by the present order.

It is made clear that this Court has not formed or expressed any opinion with regard to the merit of the case.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	17.09.2016
Transmission Date	N.A.