

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16202 of 2013

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1. Dhaneshwar Gauswami Son Of Late Mangar Gauswami Resident Of Village - Biva, P.S. - Laxmipur, District - Jamui
 2. Basuki Gauswami Son Of Dhaneshwar Gauswami Resident Of Village - Biva, P.S. - Laxmipur, District - Jamui
 3. Sahdeo Gauswami Son Of Late Jageshwar Gauswami Resident Of Village - Biva, P.S. - Laxmipur, District - Jamui
 4. Mahadeo Gauswami Son Of Late Jageshwar Gauswami Resident Of Village - Biva, P.S. - Laxmipur, District - Jamui
 5. Bharat Gauswami Son of Dhaneshwar Gauswami Resident of Village - Biva, P.S. - Laxmipur, District - Jamui
 6. Sato Gauswami Son of Dhaneshwar Gauswami Resident of Village - Biva, P.S. - Laxmipur, District - Jamui

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Jamui
3. The Deputy Collector (Land Reforms), Jamui
4. The Circle Officer, Laxmipur, Jamui
5. The Circle Inspector, Laxmipur, Jamui
6. The Halka Karamchari, Matiya, Block - Laxmipur, Jamui
7. The Divisional Forest Officer, Munger
8. The Range Forest Officer, Malaypur, District - Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha
For the Respondent/s : Mr. Neeraj Nandan

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 31-03-2016

Heard the counsel for the petitioners and the State.

From the notices issued to the petitioners (Annexure 2 series) it is shown that the Divisional Forest Officer (respondent no.7) issued notice under the Bihar Public Land Encroachment Act (for short 'the Act'). Challenging those notice(s), the petitioners approached the respondent -Collector vide case no. 4 of

2000-2001 . Not being satisfied about the maintainability of the application against the notice, the application was dismissed. Assailing the said order, the writ petition is filed.

Learned counsel submits that the notice was issued under the Act. If any final order is passed under Sections 6, 7 and 8 thereof, the appeal shall lie before the Collector. He has also made some other submissions which have been controverted by the State respondents by filing counter affidavit.

Considering the facts and circumstances of the case, this Court does not presently find it appropriate to delve into the merit of the case. Unquestionably, no final order has been passed by the Authority under the Act. The petitioners are called upon to file reply and contest the case. If the same goes against them, they may assail the same before the respondent-Collector in terms of Section 11 of the Act. The impugned order (Annexure-1), in that circumstances, shall not preclude the petitioners from filing the appeal and the respondents from considering the same on merit.

The writ application stands disposed of.

(Kishore Kumar Mandal, J)

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