

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.555 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 16235 of 2013**

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Chandra Mohan Prasad Narain Singh Son of Late Bageshwari Prasad Narain Singh
@ Fateh Bahadur Singh Resident of Village - Chainpur, - Mubarkpur, P.O.
Chainpur, Police Station - Siswan, District - Siwan

.... Appellant/s

Versus

1. The State of Bihar through Chief Secretary, New Secretariat, Patna
2. The District Magistrate, Siwan
3. The Circle Officer, Block - Siswan, District - Siwan
4. Mohan Prasad Son of Ramchandra Prasad Resident Of Village - Chainpur, -
Mubarakpur, Police Station - Siswan, District - Siwan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amit Upadhyay with
Mr. Anil Kumar Tiwary and
Mr. Aushotosh Ankit, Advocates.

For the State : Mr. Ashutosh Ranjan Pandey, AAG-15 with
Mr. P.R. Singh, AC to AAG-15.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-10-2016

The challenge in the present Letters Patent Appeal is
to an order dated 02.01.2014 passed by the learned Single Bench
whereby the writ petition was disposed off with a direction to decide
Encroachment Case No. 5 of 2012-13 in accordance with law as

quickly as possible preferably within four months from the date of receipt/production of a copy of this order.

One Mohan Prasad has sought intervention of this Court for removal of the encroachment from khata no. 314, survey no. 1307, 1308, 1309 said to be in illegal encroachment of the appellant.

The learned Single Bench has disposed off the said petition with a direction to decide already registered encroachment case in accordance with law.

The grievance of the appellant is that the order has been passed by the learned Single Bench without giving any opportunity of hearing to the appellant and therefore such order cannot be sustained.

We do not find any merit in the said argument as no substantial right of any of the parties is being affected by the order passed. The direction is to decide encroachment case in accordance with law. It is needless to say that any encroachment case against the encroachers has to be decided after providing opportunity of hearing to the alleged encroachers in accordance with law.

In view of the said fact, we do not find any merit in the present Letters Patent Appeal and the same is dismissed.

We may clarify that if an order has already been

passed by the competent authority after hearing the encroachers, this order will not mean reopening of the said case.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A