

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.23 of 2014

- =====
1. The State Of Bihar through District Magistrate, Aurangabad (Bihar).
 2. Anchal Adhikari Madanpur, Aurangabad.
 3. Mukhiya Ghatrani Gram Panchayat, Resident of Village + Post Office Ghatrayan, Police Station Madanpur, District Aurangabad.

.... Petitioner/s

Versus

Satyendra Narayan Singh S/O Late Laloo Prasad Singh Resident Of Village Ghatrayan, Post Office Ghatrayan, Police Station Madanpur, District Aurangabad, Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 22-10-2016

Heard Mr. Vinod Kumar, learned counsel for the petitioners and learned counsel for the opposite party.

The present revision application has been filed by the petitioner being aggrieved by the impugned order whereby the learned court below has dismissed the petition filed by the defendant praying for dismissal of the plaint under Section 16 of the Bihar Public Land Encroachment Act.

The suit has been filed for declaration of title of the plaintiffs over the suit land and further for permanent injunction against the defendant from interfering with the possession of the



plaintiffs. The copy of the plaint has been annexed with this application from which it transpires that no order or its part has been challenged in the suit in order to bring it within the purview of Section 16 of the Bihar Public Land Encroachment Act. For ease of reference the provision as contained in Section 16 of the Bihar Public Land Encroachment Act is noticed as follows:-

“16. Bar of jurisdiction of civil court.-

No suit or other legal proceeding shall lie in any Court in respect of any order passed under this Act.”

It is, therefore, demonstrably clear that the suit which has been filed for declaration of title and injunction does not come with the bar as envisaged under Section 16 of the aforesaid Act. The learned court below has passed the impugned order considering the entire facts and circumstances and in accordance with the settled principle of law. This Court, therefore, does not find any error of jurisdiction or material irregularity committed by the learned court below in the impugned order.

The revision application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--

