

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4330 of 2017

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1. Yoganand Singh, S/o- Late Mahabir Singh, Resident of Village - Fakirna, P.S.-Karjain, District -Supaul
 2. Shambhu Narayan Mishra, S/o- Late Suryanarayan Mishra, Resident of Village - Biduwa Bazar, P.O. and P.S.- Biduwa Bazar, District - Supaul

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary Revenue Department Govt. of Bihar
2. The Collector, Supaul
3. The Additional Collector, Supaul
4. The Deputy Collector Land Reforms Raghapur Supaul
5. The Circle Officer, Raghapur, District - Supaul

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey
For the Respondent/s : Mr. RISHI RAJ SINHA-SC19

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-11-2017 Heard Mr. Shashi Sekhar Dwedi, learned Senior Counsel for the petitioners and Ms. Archana Prasad, learned AC to SC-19 for the respondent-State.

Initially, the writ application was filed for quashing the notice dated 15.01.2017, issued under the Signature of respondent no.5, the Circle Officer, Raghapur in Encroachment Case No. 02 of 2017, as contained in Annexure-1, whereby the petitioner was directed to appear in the office of respondent no.5, the Circle Officer, Raghapur on 31.01.2017, along with the evidence with regard to land appertaining to Khata No. 107, Plot Nos. 546, 547 and 548, situated in Mauza Fakirna, District



Supaul, failing which the encroachment will be removed forcefully from the land in question. Further prayer was made for quashing the entire proceeding of Encroachment Case No. 02 of 2017.

Subsequently, I.A. No. 3239 of 2017 has been filed for amendment of the prayer in the main petition to the extent for quashing the order dated 09.03.2017, passed by respondent no.5, the Circle Officer, Raghapur, in Encroachment Case No. 02 of 2017, as contained in Annexure-7 to the Interlocutory Application, whereby the petitioner was directed to remove the encroachment by 25.03.2017, failing which the encroachment will be removed forcefully and the cost of the same will be realized from the petitioner.

Learned counsel for the respondent-State has no objection in such amendment of the prayer in the main petition.

Accordingly, I.A. No. 3239 of 2017 is allowed.

Learned counsel for the petitioner is permitted to make amendment of prayer in the main application.

Having heard learned counsels for the parties, this is not in dispute that in the encroachment proceeding, final order has been passed, which is appealable under Section 11 of the Bihar Public Land Encroachment Act (hereinafter referred to as 'the



Act’).

Hence, without expressing any opinion on the merits of the case, the present writ application is disposed of with liberty to the petitioners to file appeal against the final order, as provided under the Act, within a period of four weeks from the date of receipt/production of a copy of this order.

The Appellate Authority may consider to condone the delay in filing of appeal in view of the fact that the present writ application was pending before this Court.

For four weeks from the date of receipt/production of a copy of this order, the status quo with regard to the land in question, as existing today, shall be maintained, and after four weeks, learned counsel for the petitioner will be at liberty to make prayer for further stay before the Appellate Authority.

(Dinesh Kumar Singh, J)

Amrendra/-

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