

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23865 of 2013

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Samsuddin, S/O Late Shermehmad, R/O Village - Bagaha Nijamat, P.S. -
Thawe, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector cum District Magistrate, Gopalganj
3. The Sub-Divisional Officer, Gopalganj
4. The Circle Officer, Thawe Anchal District - Gopalganj
5. The Officer-In-Charge, Thawe Police Station, District - Gopalganj
6. Akhtar Hussain, S/O Late Hazarat Hussain R/O Village - Bagaha Nijamat, P.S. - Thawe, District - Gopalganj
7. Gulam Rasool, S/O Md. Qayum R/O Village - Bagaha Nijamat, P.S. - Thawe, District - Gopalganj
8. Manjar Imam, S/O Md. Rafiq R/O Village - Bagaha Nijamat, P.S. - Thawe, District - Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Adv.
For the State : Mr. Manoj Kumar, AC to GP. 4
For Respondent Nos.6 to 8 : Mr. Dhananjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-06-2017 Heard learned counsels appearing on behalf of the petitioner and respondent nos. 6 to 8 as well as learned AC to GP-4 appearing on behalf of respondent nos.1 to 5.

The present writ application has been filed for quashing of the notices dated 13/08/2013 and 13/10/2013, issued under the signature of Respondent No.4, the Circle Officer, Thawe, whereby the petitioner has been directed to remove the encroachment from the land situated in front of the Mosque



pertaining to Plot No.418, Thana No.114, Khata No.174 as well as for quashing of the order dated 25/01/2006, passed in Encroachment Case No.01/2005-06, by respondent no.4, the Circle Officer, Thawe, whereby the final order has been passed under section 6(1) of the Bihar Public Land Encroachment Act (hereinafter called the 'Act') and the petitioner has been directed to remove the encroachment from the land in question. Further prayer has been made for a direction to the respondent authorities not to disturb the possession of the petitioner.

It is submitted by learned counsel appearing on behalf of respondent nos.6 to 8 that the private respondents had earlier preferred CWJC No.5908 of 2013, which was disposed of vide order dated 22/04/2013, as contained in Annexure-12, by a Bench of this Court directing the District Magistrate, Gopalganj, to take cognizance of the complaint filed by respondents, make necessary enquiries and pass appropriate orders in accordance with the provisions of the Act.

Having heard the counsels for the parties, it appears that final order under section 6 (1) of the Act in Encroachment case No. 1 of 2005-06, has been passed, which is appealable under Section 11 of the Act. Hence, the writ application is disposed of with liberty to the petitioner to avail the appropriate remedy of appeal. If such appeal is filed within a period of four weeks, the



appellate authority may consider the prayer for condoning the delay in filing the appeal keeping in view the fact that the writ petition had been pending before this Court since 2013.

(Dinesh Kumar Singh, J)

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