

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13179 of 2013

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Jannati Khatoon, Wife of Md. Allaudin, Resident of Village- Kanhwa, P.S.-
Bela, Dist.- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary Land Reform Department Government of Bihar,
Patna
3. District Magistrate-Cum-Collector, Sitamarhi
4. Sub-Divisional Officer, Sadar Sitamarhi
5. Circle Officer, Parihar, P.S.- Bela, Dist.- Sitamarhi
6. Khalilul Rahman, Son of Motiuar Rahman, Vill.- Kanhwa P.S.- Bela
Dist.- Sitamarhi
7. Most. Edli, Wife of Sheikh Md. Jan, Vill.- Kanhwa P.S.- Bela, Dist.-
Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Respondent/s : Mr. Khurshid Alam, AAG-10

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-05-2017 Heard learned counsel for the petitioner and learned
AAG-10 appearing on behalf of respondent nos. 1 to 5.

The present application has been filed for quashing of
the order dated 03.07.2012, passed by the Circle Officer, Parihar,
in Encroachment Case No. 4/2012-13, whereby the encroachment
proceeding initiated with regard to encroachment over R.S.P.
No.4956, corresponding to C.S.P. No.1512, situated in Village-
Kanhwa, P.S.-Bela, Thana No.86 in the District of Sitamarhi has
been dropped. Further prayer has been made to initiate the
encroachment proceeding and get the encroachment removed.

This Court is not inclined to issue notice to the



private respondent in view of the nature of the order this Court proposes to pass.

Admittedly, the petitioner is aggrieved by the order passed under section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'). Section 11 of the Act provides the remedy of appeal against the order passed by the Collector under sections 6, 7 and 8 of the Act.

In view of the fact that petitioner has an alternative remedy of appeal, this Court is not inclined to exercise extraordinary discretionary jurisdiction under Article 226 of the Constitution of India.

Under the circumstances, the writ application is disposed of with a liberty to the petitioner to raise all the contentions by filing an appeal under section 11 of the Act. If such an appeal is filed within a period of three weeks from today, the Appellate Authority may consider to condone the delay in filing appeal in view of the fact that the petitioner was pursuing his remedy before this Court and decide the appeal in accordance with law, as expeditiously as possible.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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