

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8349 of 2017

=====

Krishna Kumar Singh, Son of Late Sheo Pujan Singh, resident of Village- Barki Khairi, P.S.- Shivsagar, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-cum-Collector, Rohtas at Sasaram.
2. The Sub-Divisional Officer-cum-Sub-Divisional Magistrate, Sasaram, Rohtas.
3. The Circle Officer, Shivsagar Circle, Sasaram, Rohtas.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rishit Deo Kumar Singh, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19
Mr. A. K. Sinha, AC to SC-19

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 26-07-2017

Heard Mr. Rishit Deo Kumar Singh, learned Counsel appearing on behalf of the petitioner and Mr. Rishi Raj Sinha, learned SC-19, appearing on behalf of the respondents.

The present writ application has been filed for quashing of the Notice dated 03.06.2017, issued under the signature of Respondent No.3, the Circle Officer, Shiv Sagar, as contained in Annexure-1, in Encroachment Case No.33 of 2007, whereby, Sheo Pujan Singh, late father of the petitioner has been directed to remove the encroachment within seven days, from the land pertaining to Mauza-Bakri Khairi, Thana No.84, Khata No.84, Plot No.163, measuring an area 0.08 decimal.



It is submitted by learned Counsel, appearing on behalf of the petitioner, that the proceeding was initiated against the father of the petitioner, who is dead and hence, the petitioner was not aware of the proceeding.

Learned Counsel for the petitioner has brought to the notice of this Court an order dated 21.04.2017, passed in CWJC No.11265 of 2013, wherein, one Ramchandra Singh had filed the said writ application impleading the present petitioner as Respondent No.7, with a prayer for implementation/execution of the order dated 28.08.2007, passed in Encroachment Case No.18/2007-08 and 33/2006-07, wherein, the Circle Officer, Sheosagar, Respondent No.3, who was respondent No.4, in the said proceeding, was directed to implement the order if it has not been implemented, or has not been stayed, or annulled by any competent authority or Court or, after giving due opportunity of hearing to all the affected persons, under the provisions of the Bihar Public Land Encroachment Act (hereinafter called as the 'Act'), within a period of four weeks, moreover, the period stipulated in the impugned notice dated 03.06.2017, issued in Encroachment Case No.33 of 2007 has already lapsed.

Under the circumstances, the writ application has filed with infructuous prayer. Accordingly, the writ application is disposed



of as having been infructuous.

However, in pursuance to the final order, passed in Encroachment Case No.33 of 2007, the petitioner has the alternative remedy of appeal under section 11 of the Act. It is expected from the appellate authority that if any appeal is filed along with an application for condonation of delay, the same may be considered in view of the fact that the petitioner was pursuing his remedy before this Court since 14.06.2017.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

