

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1970 of 2017

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Md. Raju Khan, Son of Late Wasi Ahmad, Resident of Village Khanda Tole
Shekh Bigha, P.O. Sone Nagar, Block Barun, P.S. Barn, District- Aurangabad,
Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department,
Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. Additional Collector, Public Grievance Redressal, Aurangabad.
5. The Sub Divisional Public Grievance Redressal Officer, Aurangabad.
6. The Circle Officer, Barun, Block Barun, Aurangabad.
7. The Circle Inspector Barun, Block Barun, Aurangabad.
8. Manoj Kumar, Son of Late Satya Narain Sao, Resident of Village Kocher, P.O.
Sone Nagar Block Barun, P.S. Barun, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Asha Verma, Advocate

For the State : Mr. Raj Kishore Roy- GP18

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 16-02-2017

Heard learned counsel for the petitioner and the State.

Original records have been produced.

The order has been passed on 24.1.2017 directing the
petitioner to remove encroachment. However, it appears that
without availing the statutory provision of alternative remedy of
appeal, the petitioner filed this writ application.

However, at the same time, it appears that sufficient
time was not given to the petitioner for filing an appeal as order was
passed on 24.1.2017 and the notice was also issued on the same day



under Form II for removal of encroachment on 10.2.2017 whereas Section 11 of the Bihar Public Land Encroachment Act, 1956 provides that appeal would lie against the order passed by the Collector under the act under Section 6 of the aforesaid Act within 30 days of passing of the order.

Accordingly, the petitioner is directed to approach the appellate authority within 30 days from now against the order dated 24.1.2017. He may take all the grounds which would be available to him under law.

Let operation of Annexure 1 would remain stayed till the period of 45 days from today.

In the meantime, the petitioner may file appeal and, thereafter, may file an application before the appellate authority for grant of interim relief which should be considered by the competent authority on its own merit and in accordance with law without being prejudiced by the present order.

This disposes of the writ application.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.02.2017
Transmission Date	NA

