

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13670 of 2014

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Jai Prakash Singh, S/o Late Kanhaiya Singh, R/o Village Charui, P.O. Telari, P.S. Kudra, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Kaimur at Bhabhua
3. Additional Collector, Kaimur (Bhabhua)
4. S.D.O., Mohania, Distt. Kaimur (Bhabhua)
5. D.C.L.R. Mohania, Distt. Kaimur (Bhabhua)
6. Anchal Adhikari, Kudra, Kaimur (Bhabhua)
7. Officer, in Charge, Kudra, Kaimur (Bhabhua)
8. Lallu Singh
9. Ram Pujan Singh, both Son of Late Maharaja Singh, Both R/o village Charui, P.O.- Telari, P.S.- Kudra, District- Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman

For the Respondent/s : Mr. SC31- P.S. SAHAY

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 03-08-2017

Heard learned counsels for the parties.

The present writ application has been filed on 7.8.2014 for a direction to the respondent authorities to get the encroachment removed, which has been made by the private respondent nos. 8 and 9 over the government land pertaining to Thana No. 676 Khata no. 120 Plot No. 761 situated in Mauza- Charui, P.S. Kudra, District – Kaimur.

A counter affidavit on behalf of respondent nos. 4



to 7 was filed on 16.5.2015, with statement in paragraph 8 to the effect that proceeding vide Encroachment Case No. 5 of 2008-09, was initiated for getting the encroachment removed over the land in question.

Mr. Manish, learned counsel appearing on behalf of the private respondent nos. 8 and 9 has produced a certified copy of the order dated 12.9.2013 passed by the Circle Officer, Kudra in Encroachment Case No. 5 of 2008-09, which reflects that the proceeding has been dropped on 12.9.2013 and thereafter, the writ application and the counter affidavit have been filed. Let the certified copy of the order dated 12.9.2013 be kept on record.

Since the order dropping the proceeding is final order under section 6(1) of the Bihar Public Land Encroachment Act (hereinafter referred to as the 'Act') and the same is appealable under section 11 of the Act, this writ application is disposed of as infructuous, with a liberty to the petitioner to prefer appropriate appeal. The appellate authority may consider the plea of the petitioner for condonation of delay, if any, in view of the fact that Mr. Mahesh Prasad No. II, learned counsel for the petitioner submits that neither the petitioner had received



any notice nor was he aware of dropping of the proceeding.

(Dinesh Kumar Singh, J)

Anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

