

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5950 of 2015

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1. Ayodhi Yadav Son of Anand Yadav
 2. Jholi Yadav, Son of Raj Kumar Yadav, Both resident of Village- Noorchak Navtoli, Police Station- Bisfi, District- Madhubani.

... .. Petitioners

Versus

1. The State of Bihar.
2. The District Magistrate, Madhubani.
3. The Circle Officer, Bisfi, District- Madhubani.
4. Jai Kant Yadav Son of Late Basudeo Yadav Resident of Village- Noorchak Navtoli, Police Station- Bisfi, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Varan Yadav
For the Respondent/s : Mr. Akhilesh Kumar Sinha, AC to SC-19.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2017 Heard Mr. Ram Varan Yadav, learned counsel for the petitioners and Mr. Akhilesh Kumar Sinha, learned AC to SC-19 for the respondent-State.

The present writ application has been filed for quashing the order dated 08.01.2015, passed in Case No. 15 of 2014-15, by respondent no.3, the Circle Officer, Bisfi, as contained in Annexure-4, whereby final order has been passed and the petitioners and others have been directed to remove encroachment from the land appertaining to Plot No.5153, Khata No.302, situated in Village Noorchak Navtoli, Block Bisfi, District-Madhubani. Further prayer has been made for quashing the order dated 02.02.2015, passed in the above



mentioned proceeding, whereby date was fixed as 18.02.2015 for removal of encroachment from the land in question.

It is submitted by learned counsel for the petitioners that on the land in question, their residential houses are situated and the same has not been demolished till date. However, he also admits that the petitioners have not preferred any appeal against the final order passed in the encroachment proceeding.

Learned AC to SC-19 submits that the petitioners have failed to avail the alternative remedy. Though, a counter affidavit has been filed on behalf of the respondent-State, but the same does not disclose whether the final order has been passed in encroachment proceeding or not.

Considering the rival submissions of the parties, this Court is of the view that the petitioners have an alternative remedy of appeal.

In the circumstances, the petitioners are permitted to file an appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956 within a period of three weeks from the date of receipt/production of this order and if such appeal is filed with an application for condonation of delay, then the appellate authority may consider to condone the delay, keeping in view the fact that the petitioners were pursuing their remedy before



this Court since 15.04.2015.

In the meantime, the status quo, with regard to land in question, as existing today, shall be maintained for a period of four weeks from today.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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