

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11636 of 2014

- =====
1. Murari Prasad Barnwal, Son of Late Jago Lal
 2. Gautam Kumar @ Guddu, Son of Shree Prakash Mandal
 3. Dr. Ramesh Kumar, Son of Late Ramji Pandey
 4. Prof. Ramanand Prasad Bhagat, Son of Sri Sita Ram Bhagat

All residents of Mohalla - Jamui, Ward no.18, Shanti Nagar, Police Station -
Jamui, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through Land Reforms Commissioner, Revenue Department,
Govt. of Bihar, Patna.
2. Land Reforms Commissioner, Govt. of Bihar, Patna.
3. District Magistrate, Jamui.
4. Circle Officer, Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Respondent/s : Mr. J. K. Roy, SC-13

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT
Date: 21-07-2017

Heard learned Counsel appearing on behalf of the
petitioners and Mr. J. K. Roy, learned SC-13, appearing on behalf of
Respondent Nos. 1 to 4.

The present writ application has been filed for quashing
of the notice, dated 12.06.2014, as contained in Annexure-4 series,
issued under the signature of the Collector under the Bihar Public
Land Encroachment Act(hereinafter called as the Act) and by the



Circle Office, Jamui, in Encroachment Case No. 07 of 2013-14, whereby, the petitioner and others were directed to remove the encroachment over the land pertaining to Thana No.41, Khata No.84, Plot No.202, situated in Mauza- Jamui, District-Jamui, failing which, it has been directed that a proceeding under Section 188 of the Indian Penal Code would be initiated.

A counter affidavit has been filed on behalf of Respondent Nos. 1, 3 and 4 with specific pleading that the encroachment case was initiated in pursuance to the order passed by a Division Bench of this Court in CWJC No. 4431 of 2014. The proceeding of Encroachment Case No. 7 of 2013-14 has concluded and final order has been passed on 12.06.2014. The final order under the Act is appealable under section 11 of the Act.

In the circumstances, learned Counsel appearing on behalf of the petitioners seeks permission to withdraw this application with a liberty to avail the alternative remedy of appeal before the appropriate forum, within a period of three weeks.

In the circumstances, 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 petitioners have been pursuing their remedy before this Court since 10.07.2014.



Accordingly, the writ application is disposed of as
withdrawn with the aforementioned liberty.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

