

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1835 of 2017

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1. Krishna Singh, Son of Barho Singh, Resident of Mohalla Ashok Vihar Colony,
P.O. Chand Chaura, P.S. Civil Lines, District Gaya.

2. Prema Devi, Wife of Satyendra Mishra, Resident of Mohalla Ashok Vihar
Colony, P.O. Chand Chaura, P.S. Civil Lines, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.

2. District Magistrate, Gaya.

3. Anchal Adhikari (Town), Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh

For the Respondent/s : Mr. RISHI RAJ SINHA- SC19

Mr. Akhilesh Kr. Sinha, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 30-03-2017

Heard learned counsel for the petitioners and AC to S.C.

19 for the respondents-state.

The present writ application has been filed for quashing the order dated 30.12.2016, passed by the respondent no. 3 the Circle Officer, Town, Gaya in Encroachment Case No. 9 of 2016-17 under the Bihar Public Land Encroachment Act (hereinafter referred to as the 'Act'), as contained in Annexure 6, whereby the petitioners have been directed to remove the encroachment from the land appertaining to Khata No. 95 Plot No. 295 situated in Mohalla Ghughritand in the District of Gaya.



It is submitted by learned counsel for the petitioners that the petitioners were not given due opportunity of presenting their respective case and the documents in support of their claim. The order dated 30.12.2016 as contained in Annexure 6, has not been executed till date but if the same is executed, it will result into demolition of the part of the residential house of the petitioners. The respective houses of the petitioners are situated on the land appertaining to old Khata No. 118 Plot No. 307 new Khata no. 1088 new Plot No. 2902 situated at Mohalla Ashok Vihar Colony, P.S. Civil Lines in the District of Gaya.

Learned counsel for the respondent State submits that the impugned order under challenge is appealable under Section 11 of the Act, hence, the present writ application is not maintainable.

Learned counsel for the petitioners does not dispute the contention of learned counsel for the respondents-State.

Having heard learned counsel for the parties, this writ application is disposed of with a liberty to the petitioners to prefer an appeal before the appropriate authority under section 11 of the Act within a period of four weeks. The appellate authority is expected to consider the application for condonation of delay in filing the appeal, if any, since the petitioners were pursuing their remedy before this Court.



The order dated 30.12.2016, passed by the respondent no. 3 the Circle Officer, Town, Gaya in Encroachment Case No. 9 of 2016-17 as contained in Annexure 6, if has not been executed till date, then the status quo, as existing today, shall be maintained for the next four weeks.

(Dinesh Kumar Singh, J)

Anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

