

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1482 of 2017

Arising out of

C.W.J.C. No. 4182 of 2014

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Shailendra Kumar Singh, S/o Sri Bihari Singh Resident of Vill.+ PO-Athar,
P.S.-Nawanagar, District-Buxar.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Buxar
3. The Superintendent of Police, Buxar
4. The Sub-Divisional Officer, Dumraon, Buxar.
5. The Circle Officer, Nawanagar, Buxar.
6. The Officer In-Charge, Nawanagar PS, District-Buxar.
7. The Mukhiya, Gram Panchayat, Athar, PS-Nawanagar, District-Buxar.
8. Asha Devi, W/o Sri Vijay Kumar Singh, Resident of Vill.+PO-Athar, P.S.-Nawanagar, District-Buxar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Mohan Singh, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-01-2018

Delay of 76 days in filing of this appeal is
condoned. I.A. No. 7649 of 2017 stands allowed and disposed



of.

Having heard learned counsel for the parties, we find that the learned Single Judge passed the order on 03.07.2017 in C.W.J.C. No. 4182 of 2014 in the matter of removal of encroachment without taking note of the fact that the appellant herein Sri Shailendra Kumar Singh was the complainant. He was a party in the proceedings that were held under the Bihar Land Encroachment Act and even order filed along with supplementary affidavit as Annexure-4 dated 07.03.2017 by the court of Sub-Divisional Magistrate, Dumraon in proceedings under Section 147 Cr.P.C. were at his instance.

It is a case where the present appellant was the complainant. He has various grievances with regard to the encroachment in question and it is an admitted position that neither was he noticed nor was he heard. Even he was not impleaded as party in the proceedings and therefore, it is a fit case where on these grounds the appeal should be allowed, the order passed by the learned Writ Court set aside and the matter remanded back to the Writ Court for fresh consideration.

Accordingly, we allow this appeal, set aside the order dated 03.07.2017 passed by the learned Writ Court in C.W.J.C. No. 4182 of 2014, restore the writ petition to its



original file, direct that the present appellant be impleaded as Respondent No. 8 and thereafter the matter be proceeded in accordance with law.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
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