

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14163 of 2018

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1. Hareram Prasad, Son of Babu Raja Prasad, resident of Village-
Jalalpur, P.S.- Darounda, District- Siwan.
 2. Krishna Prasad, Son of Laljhari Prasad, Resident of Village-
Jalalpur, P.S.- Darounda, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Bihar, Patna.
2. The Collector, Siwan.
3. The Sub Divisional Officer, Siwan.
4. The Block Development Officer, Darounda, District Siwan.
5. The Circle Officer, Darounda, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Adv.

For the Respondent/s : Ms. Archana Prasad, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 27-07-2018

Heard learned counsels for the petitioners and the
State.

The present writ application has been filed for quashing of the order dated 26.03.2018, issued under the signature of Respondent No.5, the Circle Officer, Darounda, under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), as contained in Annexure-2, whereby, the petitioners have been directed to submit their show cause within one week with regard to the encroachment made by them over the land, appertaining to P.S. No. 236, Khata No.915, Plot No.8542, situated in Village- Jalalpur, P.S.-Darounda, District-Siwan, failing which, the matter was directed to be decided ex parte.



It is submitted by learned counsel for the petitioners that in pursuance to the impugned notice, the petitioners submitted their show cause on 30.03.2018, as contained in Annexure-4 to the effect that the land in question is raiyati land of the petitioners and the present impugned notice has been issued without jurisdiction and without following the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act').

This Court is not inclined to interfere into the matter since the impugned notice has lost its force, as the petitioners have submitted their defence within one week of the issuance of the impugned notice. Moreover, the petitioners are at liberty to challenge the final order passed under Section 6(1) of the Act in the said proceeding.

In the circumstances, the writ application is disposed of.

However, it is expected from the Appellate Authority that if any appeal is filed by the petitioner along with an application for condonation of delay within a period of three weeks from the date of receipt/production of a copy of this order, the same may be considered in view of the fact that the petitioners were pursuing their remedy before this



Court since 20.07.2018.

It is further expected from the respondent authorities not to demolish the residential house of the petitioners, situated over the land in question till filing of the appeal, in next three weeks.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

