

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10858 of 2018

1. Sunil Kumar Singh, son of Late Tanik Singh.
2. Arbind Singh, son of Baua Singh, both are residents of village- Barauni, Ward No.01, P.S. - Teghra, Sub-Division- Teghra, District- Begusarai.

... .. Petitioners

Versus

1. The State of Bihar, through Collector, Begusarai.
2. The Executive Engineer, Road Construction Division, Begusarai, District- Begusarai.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Subodh Kumar, A.C. to SC-26

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 07-06-2018 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are challenging the action of the respondents in evicting them from the land which is in their possession since long by passing the order dated 18.05.2018 by the Circle Officer, Teghra.

The encroachment proceeding is the result of the order passed in Miscellaneous Case No.82 of 2016-17, in which the Jamabandi of the petitioners with respect to the land appertaining to Thana No.335, Tauzi No. 956/9250, Khata No.2064, Khesra No.2986, total area 2 khata and 18 dhurs has



been decided against the petitioners. Against that order, the petitioners has approached the Appellate Authority i.e. Collector, Begusarai, but the same is still pending. In the meantime, the proceeding under the Bihar Land Encroachment Act, was initiated against the petitioners. Notices were served upon them, but they have preferred to remain absent. Ultimately, the final order has been passed against the petitioners.

Learned counsel for the petitioners submits that their appeal is pending before the Collector and he should have disposed of the same without any delay as the petitioners are in possession of the land for last 60 years and that too they have obtained the land by making payment to the ex-landlord.

This Court is not deciding the case on merit, only to that extent that the petitioners would appears before the Circle Officer, Teghra, in Encroachment Case, who will consider the case of the petitioners and after hearing them and would pass appropriate order in accordance with law.

As this Court has given liberty to the petitioners to participate in the proceeding, the final order that has been passed by the Circle Officer dated 18.05.2018, whereby the petitioners have been directed to vacate the land, in question, is set aside. The matter is remanded back to the Circle Officer,



Teghra, to decide the case on merit after hearing the petitioners.

The petitioners are directed to remain present before the Circle Officer, Teghra, on 02.07.2018. If the petitioners would fail to present themselves, the Circle Officer will be at liberty to take action in accordance with law.

In the meantime, the petitioners would not be evicted from the land.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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