

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13969 of 2018

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1. Rash Bihari Paswan @ Rash Bihari Ram, Son of Late Kushar Ram,
 2. Lilawati Devi, W/o Jag Narayan Ram, Both resident of Village- Khairahikala, Police Station- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The Circle Officer, Dinara, Rohtas.
4. The Block Development Officer, Dinara, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.
For the Respondent/s : Mr. R.K. Roy – GP-18

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 27-07-2018

Heard learned counsel for the petitioners and the respondents.

The present writ application has been filed for quashing of the Notice dated 28.05.2018, issued under the signature of the Respondent No.3, the Circle Officer, Dinara, Rohtas, in Encroachment Case No.15 of 2017-18, as contained in Annexure-6, whereby, the petitioners have been directed to



get the encroachment removed from the land appertaining to P. S. No. 199, Khata No.81, Plot No.234, situated in Circle-Dinara, Village- Khairahikala, District -Rohtas.

Since the impugned notice reflects that final order has been passed in Encroachment Case No.15/2017-18 and the impugned notice has been issued for removal of encroachment from the said land and the date was fixed for removal of the encroachment as 23.12.2017 which has already been expired, this Court is not inclined to interfere.

However, learned counsel for the petitioners seeks permission to withdraw this application with a liberty to prefer appeal against the final order under the Bihar Public Land Encroachment Act, 1956.

In the circumstances, it is expected from the Appellate Authority that if any appeal is filed by the petitioners 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 19.07.2018.

In the meantime, let status quo, as is existing today, with regard to the residential house of the petitioners,



situated over the land in question, be maintained for three weeks.

The writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

