

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5822 of 2018

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Dilip Kumar Rai, Son of late Singheshwar Rai, resident of Village – Mangrauna, Police Station – Andhratharahi, District – Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Deputy Collector, Land Reforms, Madhubani.
4. The Circle Officer, Andhratharahi, Police Station – Andhratharahi, District – Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad,
For the Respondent/s : Mr. Harish Kumar- GP 8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-09-2018

It is not in dispute that against the impugned notice and the original order passed under the provisions of Bihar Public Land Encroachment Act, passed by the Circle Officer, statutory appeal is provided to the Collector of the District as per Section 11 of the Bihar Public Land Encroachment Act. It is the case on behalf of the petitioner that the petitioner was not served with any notice before passing the order by the Circle Officer, Andhratharahi, District-Madhubani.

However, considering the record produced before this Court for perusal, prima facie, the same does not appear to be true.



In any case, the aforesaid aspect can be considered by the Collector in the appeal which is to be filed.

Under the circumstances, the case is not entertained.

It would be open for the petitioner to prefer an appeal provided under Section 11 of the Bihar Public Land Encroachment Act. In case an appeal is preferred within one week from today, the same be considered on its merit, without considering the issue of limitation.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
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