

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1036 of 2019

1. Lakhan Lal, S/o Gokul Lal Agrawal &
2. Ram Vijay Prasad Sharma @ Ram Vijay Sharma @ Vijay Vishwakarma,
S/o Late Jageshwar Prasad Sharma,
Both residents of village-Nehura, Konch Bazar, Police Station-Konch,
District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenues
Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Gaya.
3. The Sub Divisional Officer, Tekari, District-Gaya.
4. The Land Revenue Deputy Collector, Tekari Sub Division, District-Gaya &
5. The Circle Officer, Anchal Konch, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Respondent/s : Mr.Raj Kishore Roy- Gp18

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioners and the State.

Following are the reliefs sought for in the present writ
application:

“(i) For quashing of Notice dated 24-11-2018 issued and sent to petitioners under the signature of respondent-Circle Officer under Sub Section (2) of Section 6 of Bihar Land Encroachment Act, 1956.

(ii) For fresh measurement of land in question situated at Thana No. 185, Khesera No. 1465 for which, application is pending.

(iii) For direction to respondents to provide peaceful possession over the land in question”.

The notice under challenge is sought to have been



quashed under Section-6(ii) of the Bihar Land Encroachment Act, 1956, but there is a remedy of an appeal provided u/S 11 of the Act.

The petitioners are directed to prefer an appeal within a period of 30 days from today. The appellate authority shall consider the appeal of the petitioners on its own merit without being prejudiced by this order and, pass an appropriate order in accordance with law within a period of three months from the date of filing of such appeal after giving liberty to all the concerned parties.

With the aforesaid observation/direction, the present writ application stands disposed of.

Status quo be maintained till disposal of the appeal.

(Sudhir Singh, J)

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