

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18672 of 2017

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Md. Majeet Safi Son of Mato Safi, resident of Village- Hariharpur, P.S.
/Block- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Sub-Divisional Officer, Triveniganj, Supaul.
4. The Block Development Officer, Chhatapur, Supaul.
5. The Circle Officer, Chhatapur, Supaul.
6. The Deputy Collector-cum-District Grievance Officer, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur, Adv.
For the Respondent/s : Mr.Sangha Mitra Ghosh, AC to GP 15.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-07-2019 The petitioner is aggrieved by the order dated 30.07.2016 passed by the Circle Officer, Chhatapur, District- Supaul whereby and whereunder an order under Section 6 of the Bihar Public Land Encroach Act, 1956 has been passed and the petitioner has been directed to remove the encroachment in question.

The learned counsel for the petitioner submits that though a notice dated 15.7.2016 was issued to the petitioner but since he was working as a labourer at Delhi, he could not file any objection and the impugned order dated 30.07.2016 has been passed *ex-parte*. It is further submitted that though there is



an order of this Court dated 30.04.2019 passed by a co-ordinate Bench of this Court in CWJC No. 24918 of 2018 directing the Circle Officer to take up the Encroachment Case No. 10 of 2015-16 and conclude the same by taking to its logical end, however, till date the encroachment in question has not been removed.

Per contra, the learned counsel for the respondents submits that the petitioner can file an appeal under Section 11 of the Bihar Public Land Encroach Act, 1956 against the impugned order dated 10.07.2016.

Having regard to the submissions made by the learned counsel for the parties and in view of the fact that the petitioner was not able to file his objection pursuant to the notice issued in Encroachment Case No. 10 of 2015-16, by the Circle Officer, Chhatapur, I deem it fit and proper to grant liberty to the petitioner to file an appeal within a period of four weeks from today under Section 11 of the Bihar Public Land Encroach Act, 1956, taking all the objections which he could have taken in response to the notice issued in the encroachment case, whereupon the appellate authority shall consider the same and dispose of the appeal of the petitioner by a reasoned and just order.



It is needless to state that till disposal of the appeal by the appellate authority, status quo existing as on today qua the purported/ alleged encroachment, said to have been made by the petitioner herein, shall be maintained, however, in case no appeal is filed by the petitioner before the appellate authority within a period of four weeks from today, the aforesaid order of status quo shall stand vacated automatically.

The writ petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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