

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.473 of 2019

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1. Shrawan Kumar Bhagat @ Shravan Bhagat S/o Dev Narain Bhagat @ Sukru Bhagat Vill.- Gosaipur, P.o.- Siktia, P.s.- Azamnagar, Distt.- Katihar
 2. Santosh Bhagat @ Santosh Kumar Bhagat S/o Dev Narain Bhagat @ Sukru Bhagat Vill.- Gosaipur, P.o.- Siktia, P.s.- Azamnagar, Distt.- Katihar
 3. Dayamoni Devi W/o Late Om Prakash Bhagat Vill.- Gosaipur, P.o.- Siktia, P.s.- Azamnagar, Distt.- Katihar

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate Katihar
3. The Deputy Development Commissioner cum Chief Executive Officer Zila Parishad, Katihar
4. The Sub Divisional Officer Barsoi
5. The Circle Officer Azamnagar, P.s.- Azamnagar, Distt.- Katihar
6. The Divisional Public Grievance Cell Officer Barsoi Division, Distt.- Katihar
7. The Chairman Zila Parishad, Katihar
8. The Member Zila Parishad, Azamnagar, P.s.- Azamnagar, Distt.- Katihar
9. Ataur Rahman S/o Belal Hussain Vill.- Gosaipur, P.o.- Siktia, P.s.- Azamnagar, Distt.- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Helal Ahmad, Advocate
For the Respondent/s : Mr.Md.Khurshid Alam (AAG-12)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 03-12-2019

Heard learned counsel for the parties.

The appellants prays for the following relief:

“It is, therefore, humbly prayed that Your Lordships may graciously be pleased to admit this memo of appeal, issue notice to the Respondents,



call for the records of the case and after hearing the parties, be pleased to set aside the judgment/order dated 13.03.2018 passed in C.W.J.C. No. 18936 of 2017.”

The operative part of the impugned judgment reads as under:

“In the circumstances, it is expected from the respondent no. 2 the District Magistrate, Katihar to look into the issue and take needful action, on the administrative side. The respondent no. 5, the Circle Officer, Azamnagar is expected to examine the revenue records and if need be, make spot verification and on doing so, if it appears to him that the public land has been encroached upon, then he will initiate a proceeding under the Act if it has already not been initiated after getting the land in question measured, within two weeks of the receipt/production of a copy of this order and will take such proceedings to its logical conclusion within a period of three months thereafter, after giving due opportunity of hearing to all affected persons including private respondent nos. 9 to 11 as well as the respondent no.8, Member, Zila Parishad, Azamnagar in accordance with provisions of the Act.”

We find the learned Single Judge not to have agitated the rights of either of the private parties, i.e. the writ petitioner or the appellants herein, arrayed party-respondent Nos. 10 and



11 in the writ petition. All that is directed is the inspection of the spot and initiation of appropriate action in accordance with the provisions of the Bihar Public Land Encroachment Act.

As such, we dispose of the appeal, as prayed for, reserving liberty to the appellants to take recourse to such remedies as are otherwise available under the law.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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