

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9260 of 2013**

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1. Sheo Kumar Prasad and Ors Son Of Late Baldeo Lal Resident Of Mohalla -  
Chaukhandi Par, Near Yagashala, Police Station - Biharsharif, District -  
Nalanda
  2. Binod Prasad Son Of Late Baldeo Lal Resident Of Mohalla - Chaukhandi  
Par, Near Yagashala, Police Station - Biharsharif, District - Nalanda
  3. Sant Sharan Prasad Son Of Late Baldeo Lal Resident Of Mohalla -  
Chaukhandi Par, Near Yagashala, Police Station - Biharsharif, District -  
Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Patna Division, Patna
3. The Collector, Nalanda, Biharsharif
4. The Sub-Divisional Officer, Sadar, Biharsharif, District - Nalanda
5. The Circle Officer, Biharsharif, District - Nalanda
6. Raj Kumar Prasad Son Of Late Babulal Raut Resident Of Mohalla -  
Chaukhandi Par, Near Yagashala, Police Station - Biharsharif, District -  
Nalanda
7. Ashok Kumar Son Of Late Jamuna Ram Resident Of Mohalla - Chaukhandi  
Par, Near Yagashala, Police Station - Biharsharif, District - Nalanda
8. Fakira Sao Son Of Late Sohrai Sao Resident Of Mohalla - Chaukhandi Par,  
Near Yagashala, Police Station - Biharsharif, District - Nalanda
9. Naresh Upadhyay Son Of Late Upendra Upadhyay Mahanth Yagashala,  
Resident Of Mohalla - Chaukhandi Par, Police Station - Biharsharif, District  
- Nalanda

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Suresh Kumar  
For the Respondent/s : Mr. Devendra Kr Sinha

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      29-04-2019                      Having regard to the fact that statutory remedy is  
  
available in the nature of appeal before the Collector, Nalanda  
  
under the Bihar Public Land Encroachment Act, 1956  
  
(hereinafter referred to as 'the Act'), the Court is not inclined to



entertain this writ application, which is accordingly dismissed.

However, liberty shall be available to the petitioner to approach the appellate authority within a period of one month from today alongwith a copy of this order. In the event such appeal is preferred by the petitioner under the Act, the appellate authority shall examine the appeal on its own merit after condoning the delay in filing the appeal. Until further order passed by the appellate authority in the appeal, the interim order passed in the instant case shall continued.

**(Anil Kumar Upadhyay, J)**

Ashish/-

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