

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1390 of 2019

In
Civil Writ Jurisdiction Case No.20602 of 2014

-
1. Nurul Hoda Ansari @ Nur Hoda Ansari S/o Shahabuddin Mian Resident of village - Nautanwa Pachamba, Ward No.-5, P.o - Maniyari, District - West Champaran, Pin- 845451.
 2. Rayaz Gaddi Son of Late Mazdar Gaddi Resident of village - Nautanwa Pachamba, Ward No.-5, P.o - Maniyari, District - West Champaran, Pin- 845451.
 3. Mahumad Gaddi Son of Manager Gaddi Resident of village - Nautanwa Pachamba, Ward No.-5, P.o - Maniyari, District - West Champaran, Pin- 845451.
 4. Reyazuddin Ansari Son of Rafat Ansari Resident of village - Nautanwa Pachamba, Ward No.-5, P.o - Maniyari, District - West Champaran, Pin- 845451.

... .. Appellant/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Old Secretariat, Patna-1.
2. The Director Department of Revenue and Land Reforms, Govt. of Bihar, Old Secretariat, Patna-1.
3. The Principal Secretary Rural Development Department, Govt. of Bihar, Patna - 1
4. The Director Rural Development Department, Govt. of Bihar, Patna - 1
5. The Collector, West Champaran at Bettiah
6. The Sub-Divisional Officer, Narkatiyaganj West Champaran.
7. The Circle Officer, Narkatiyaganj Anchal, West Champaran.
8. The Block Development Officer, Narkatiyaganj Anchal, West Champaran.
9. Jajul Gaddi Son of Late Daroga Gaddi Resident of village - Nautanwa Pachamua, Ward No. 5, P.O. - Maniyari, District - West Champaran, Pin- 845451.
10. Ali Mohammad Gaddi Son of Late Ishar Gaddi Resident of village - Nautanwa Pachamua, Ward No. 5, P.O. - Maniyari, District - West Champaran, Pin- 845451.
11. Firoj Alam Gaddi Son of Ali Mohammad Gaddi Resident of village - Nautanwa Pachamua, Ward No. 5, P.O. - Maniyari, District - West Champaran, Pin- 845451.
12. Jilani Gaddi Son of Late Bahadur Gaddi Resident of village - Nautanwa Pachamua, Ward No. 5, P.O. - Maniyari, District - West Champaran, Pin- 845451.
13. Yunush Gaddi Son of Late Bahadur Gaddi Resident of village - Nautanwa Pachamua, Ward No. 5, P.O. - Maniyari, District - West Champaran, Pin-



845451.

14. Abbas Gaddi Son of Ali Hasan Gaddi Resident of village - Nautanwa Pachamua, Ward No. 5, P.O. - Maniyari, District - West Champaran, Pin-845451.
15. Neshar Gaddi Son of Ali Hasan Gaddi Resident of village - Nautanwa Pachamua, Ward No. 5, P.O. - Maniyari, District - West Champaran, Pin-845451.
16. Nurain Gaddi Son of Ali Mohammad Gaddi Resident of village - Nautanwa Pachamua, Ward No. 5, P.O. - Maniyari, District - West Champaran, Pin-845451.
17. Md. Kalim Gaddi Son of Md. Asghar Gaddi Resident of village - Nautanwa Pachamua, Ward No. 5, P.O. - Maniyari, District - West Champaran, Pin-845451.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nagadeo Choubey, Advocate
For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-10-2019

I.A. No. 2 of 2019

The appellants herein have filed this application for leave to appeal contending that by virtue of the impugned order dated 20.09.2019 their constructions are sought to be removed under the garb of encroachment drive for which they have been put to notice on 21.10.2019 and today is the date fixed for executing the same. It is in these urgent circumstances that the present application has been filed after mentioning was made before us for taking up the



matter urgently.

After having heard learned counsel for the appellants and in the above circumstances we are granting leave to appeal to the appellants as it is contented that the proceeding before the learned Single Judge have ensued without impleading the appellants.

Interlocutory Application is accordingly allowed.

L.P.A. No. 1390 of 2019

We have heard Shri Sandeep Kumar, learned counsel for the three appellants and Smt. Nutan Sahay, learned counsel for the State.

The array of parties in the writ petition nowhere discloses that the appellants were the party to the said writ petition but the impact of the impugned order demonstrates that the appellants have now been put to notice for removal of encroachments on the strength of the impugned order which also directs that in the meantime the encroachment in question shall be removed.

It is urged that there is, therefore, no scope left for the appellants to contest the matter or raise their objections



at any forum including this Court inasmuch as they are not even parties before the learned Single Judge and orders have been passed against them.

We, accordingly, disposed off this appeal with liberty to the appellants to get themselves impleaded in the writ petition before the learned Single Judge by moving appropriate application and till such application is disposed off, the direction given for removal of the constructions in so far as the appellants are concerned shall remain in abeyance.

Learned Standing Counsel to A.A.G.-12 is directed to communicate a copy of this order to the Sub-Divisional Officer, Narkatiaganj, West Champaran today for information and appropriate action.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

skm/Krishna

U			
---	--	--	--

