

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16259 of 2018

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1. Jay Kala Devi, Wife of Late Rajnandan Raut,
 2. Shiv Sakal Raut, Son of Late Bujhawan Raut, Both are resident of Village-Adhghon, Police Station- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Revenue and Land Reforms Department, Government of Bihar, Patna.
2. Collector, Sitamarhi.
3. Anchal Adhikari, Nanpur Anchal, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh
For the Respondent/s : Mr.Subash Chandra Yadav- Gp15

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2019 Heard the parties.

Counsel for the petitioners is permitted to make necessary correction in the proforma party in respect of respondent nos. 2 and 3 in course of the day.

Following relief has been sought for in the present application on behalf of the petitioners:

“That this is an application for setting aside notice dated 31.07.2018 issued by Anchal Adhikari (Respondent No. 3) under Section 6(2) of the Bihar Public Land Encroachment Act, in Encroachment Case No. 8 of 2017-18 by which he has directed the petitioners to vacate the land in question otherwise the same shall be vacated by the Respondents and or to grant any other relief/reliefs for which petitioners are legally entitled.”



The notice under challenge is dated 31.07.2018 issued by the Anchal Adhikari (Respondent No. 3) under section 6(2) of the Bihar Public Land Encroachment Act which is Annexure-4 to the present writ application. There is a statutory provision under Section 11 of the Bihar Public Land Encroachment Act for preferring an appeal against the said notice.

Accordingly, the petitioners are granted 30 days time from today for preferring an appeal as provided under the statute. The Appellate Authority shall consider the case of the petitioners and dispose of the same within a period of three months from the date of filing of such appeal in accordance with law. The petitioners will be at liberty to make separate application in respect of stay of the order under challenge within a period of 15 days from the date of filing of such appeal.

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

(Sudhir Singh, J)

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