

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25323 of 2019

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Bhola Thakur S/o Devan Thakur R/o Village Phulhara, P.S.- Kalyanpur,
District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar Through its Secretary, Land Reform Department, Govt. of Bihar, Patna.
2. The District Magistrate Samastipur.
3. The Sub- Division Officer Samastipur.
4. The Circle Officer Kalyanpur, Samastipur.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Shashi Bhushan Kumar
For the Respondent : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-12-2019 The petitioner was put to notice under Section 3 of the Bihar Public Land Encroachment Act for making encroachment over a public land. The petitioner had responded to the said notice with a claim that he had not made any encroachment and, in fact, the land was settled in his favour under welfare scheme of the State Government for Army Personnel.

The Collector, within the meaning of the Act, has, however, issued notice under Section 6(e) of the Act on 25.11.2019 asking the petitioner to remove the encroachments.

It is the petitioner's case that the said notice has been issued without complying with the requirement of Section 5 of



the Act inasmuch as no personal hearing was given to the petitioner.

Be that as it may, the petitioner has statutory right of appeal under Section 11 of the Act, which he has not availed. This writ application is thus disposed of with an observation that the petitioner shall be at liberty to approach the appellate authority under Section 11 of the Act. If the petitioner does so within a fortnight from today, no objection on the point of limitation shall be taken and the petitioner's appeal shall be decided on merits. The petitioner shall be at liberty to seek before the appellate authority, interim protection during the pendency of appeal, which shall be considered appropriately in accordance with law by the appellate authority.

This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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