

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25593 of 2019

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Mantu Singh S/o Late Kamla Singh Resident of Village- Raghopur, P.S.-
Bakhtiyarpur, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
2. The District Magistrate Patna
3. The Sub Divisional Magistrate, Barh, Patna
4. The Circle Officer Bakhtiyarpur, District- patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.
For the Respondent/s : Ms. Prakritita Sharma, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-12-2019 Heard learned counsel for the parties.

2. A notice issued by the Circle Officer, Bakhtiyarpur in Encroachment Case No. 08/2019-20 dated 04.12.2019 is being assailed in the present writ application.

3. From the notice, it appears that the petitioner has been found to have encroached a public land and prior to issuance of the impugned notice dated 04.12.2019, a notice was issued to him under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act').

4. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner had responded to the notice under Section 3 of the Act by filing his representation but



without giving any opportunity of hearing to the petitioner, as contemplated under Section 5 of the Act, the impugned notice has been issued.

5. Be that as it may, the petitioner has statutory remedy of appeal under Section 11 of the Act, which he could have invoked.

6. This application is, thus, disposed of with a liberty to the petitioner to approach the appellate authority to question the impugned notice. The petitioner shall also be at liberty to seek interim protection from the appellate authority, during pendency of the appeal, which he may be filing in the light of the observations made in the present order. The appellate authority shall be obliged to consider petitioner's request for interim protection within one week from the date of filing of the appeal, if such request is made.

(Chakradhari Sharan Singh, J)

Rajesh/-

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