

IN THE HIGH COURT OF JUDICATURE AT PATNA
C.W.J.C. No. 7577 of 2020

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Meera Devi, wife of Late Vijay Kumar Sharma, resident of village-Korji,
 Police Station-Phulwari Sharif, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Revenue and Reforms
 Department, Bihar, Patna.
2. The Circle Officer, Phulwari Sharif, Patna.
3. The Circle Inspector, Phulwari Sharif, Patna.
4. The Collector, Patna.

.. ... Respondents

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Appearance :

For the Petitioner : Mr. Parashuram Singh, Advocate

For the Respondent State: Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2. 11-09-2020 Heard learned counsel for the parties.

The petitioner has challenged in the present writ application a notice issued by the Circle Officer, Phulwari Sharif, Patna, in Encroachment Case No. 05/14-15, under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, whereby she has been asked to vacate the land, which she is occupying on the ground that it is a public land. The notice is apparently based on an order dated 08.08.2020 passed by the Circle Officer in a proceeding under the Act.

On perusal of the said order passed by the Circle Officer, it transpires that the petitioner was given an opportunity to participate in the said encroachment proceeding.



Be that as it may, the petitioner has statutory remedy of appeal under Section 11 of the Act, which she has not availed.

Mr. Parshuram Singh, learned counsel appearing on behalf of the petitioner, has argued that the respondents are bent upon to get the petitioner dispossessed on the basis of the said impugned notice and order. He has submitted that the land in question was duly settled in her favour after demise of her husband, who was an Army personnel. He has accordingly submitted that this Court may allow interim protection from dispossession so as to enable the petitioner to prefer statutory appeal.

The petitioner has statutory remedy under Section 14 of the Act to seek stay of the impugned order of the Circle Officer.

This application is accordingly disposed of with a liberty to the petitioner to prefer statutory appeal under Section 11 of the Act and seek interim relief by making appropriate application.

It is observed that if any question of delay in preferring the appeal arises and the appeal is preferred within one month from today, the appellate authority shall consider liberally the prayer for condonation of delay. If the petitioner makes an application seeking interim relief, the appellate



authority must take all possible steps to ensure that prayer for interim relief is considered and adjudicated upon.

This application stands disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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