

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8377 of 2020

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Nawal Yadav Son of Late Ramjee Prasad Resident of Village-Koniyapar, P.S.-
Chiksaura, District-Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate-Cum-Collector, Nalanda at Biharsharif.
3. The Sub-Divisional Magistrate, Hilsa, District-Nalanda.
4. The Deputy Collector of Land Reform, Hilsa, District-Nalanda.
5. The Circle Officer, Hilsa, District-Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Bhola Kumar
For the Respondent/s : Mr. Shajid Salim Khan

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-10-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

It is submitted by learned Counsel for the petitioner that in order to effectively avail remedy of appeal provided under Section 11 of the Act he he would require copy of the order dated 21.11.2019 referred to in the impugned order dated 7.9.2020 issued by the Circle Officer, Hilsa.

Learned State Counsel submits that the documents available on record will be made available to the petitioner for which he may approach the Circle Officer, Hilsa.



The petitioner will approach the Circle Officer, Hilsa within one week with his requisition for the order dated 21.11.2019 or any other documents which he may desire from the records of the encroachment case. The authority namely the Circle officer Hilsa (Respondent No. 5) would be under an obligation to supply copies of documents available on record, to the petitioner within a period of two weeks so as to enable him to avail his remedy of appeal.

Learned Counsel for the State submits that under Section 14 of the Act the petitioner would be in a position to make a prayer for stay on filing of his appeal. Since filing of the appeal is being delayed for non supply of documents, further action pursuant to the notice will not be taken till at least three weeks from today, so as to enable the learned Counsel for the petitioner to prefer appeal in terms of the order.

The writ application stands disposed of in the aforesaid terms.

(Madhuresh Prasad, J)

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