

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1700 of 2018

In
Civil Writ Jurisdiction Case No.18754 of 2017

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Hira Lal Ram Son of Jugai Ram resident of Village P.O.- Bardaha, P.S.Circle-
Babubarhi, District- Madhubani.

... .. Appellant/s

Versus

1. The State Of Bihar through the Secretary, Revenue Department,
Government of Bihar, Patna.
2. The Secretary, Land Reforms, Government of Bihar, Patna.
3. The Collector, Madhubani, District- Madhubani.
4. The Additional Collector, Madhubani, District- Madhubani.
5. The Sub-Divisional Officer, Madhubani, District- Madhubani.
6. The Deputy Collector, Land Reforms, Madhubani, District- Madhubani.
7. The Circle Officer, Babubarhi, District- Madhubani.
8. Jugai Ram Son of late Dukhai Ram@ Pukhai Ram resident of Village P.O.-
Bardaha, P.S.Circle- Babubarhi, District- Madhubani.
9. Basukinath Jha Son of late Lutan Jha resident of Village P.O.- Bardaha,
P.S.Circle- Babubarhi, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Gagan Deo Yadav
For the Respondent/s : Mr.Md. Khurshid Alam- Aag12

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 28-01-2020 Heard learned counsel for the appellant and learned
counsel for the respondents.

Delay is condoned.

It is the grievance of the appellant / respondents in the
writ petition that the impugned order dated 9.2.2018 passed in
CWJC No. 18754 of 2017 stands passed without hearing him.



Without going into the issue, we notice that only direction issued by the learned Single Judge was for taking appropriate action in removing the encroachments allegedly occupied by the present appellant.

The appellant contends that the land in question is not in encroachment but was allotted to him in accordance with law. Well, neither the learned Single Judge has gone into the merits of plea nor are we examining the same, for the direction contained in the impugned order is only with regard to initiation and conclusion of action in accordance with law.

We notice that there is a specific statute i.e. the Bihar Public Land Encroachment Act, 1956 in terms whereof, the authorities are required to take appropriate action for removal of encroachment and in terms thereof, the alleged encroachers also have a right to set up their defence.

As such, we dispose of the present appeal reserving liberty to the appellant to take recourse to such remedies as are available under the law. The impugned order cannot be said to be perverse or illegal, in any manner.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

Tiwary/-Ajay/-

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