

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22242 of 2019

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Chandra Bhushan Singh S/o Late Shrichand Singh Resident of Village-
Ekdera Ward No. 11, Boriya, P.s.- Bibhutipur, Anchal- Bibhutipur, distt.-
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Collector cum District Magistrate Samastipur
3. Anchal Adhikari Anchal Bibhutipur, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gopal Pandey
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-03-2020 Heard learned counsel for the parties.

2. The petitioner is aggrieved by issuance of notice dated 17.09.2019 under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘the Code’) by the Circle Officer, Bibhutipur in the District of Samastipur, whereby he has been directed to remove such encroachment upon the public land.

3. Learned counsel for the petitioner has submitted that he has rightful title and interest over the land in question and complicated question of title and possession has been gone into by the Circle Officer while issuing the notice under Section 6(2) of the Act. He has also submitted that in respect of the



same disputed land a Title Suit No. 149 of 2019 is pending before the learned Munsif, Rosera, Samastipur.

4. Mr. Sajid Salim Khan, learned Standing Counsel No.25, on the other hand, has questioned the maintainability of the writ application on the plea that the petitioner has alternative statutory remedy of appeal under Section 11 of the Act. He has submitted that the petitioner has filed the title suit after passing of the order under Section 6(1) of the Act, claiming his title over the land in question.

5. Be that as it may, since the petitioner has statutory remedy of appeal, he shall be at liberty to pursue the same by preferring an appeal.

6. It is indicated that if any question of limitation arises before the appellate authority, the appellate authority shall keep in mind the fact that the petitioner was pursuing his remedy before this Court by filing present writ application, while considering any application for condonation of delay.

7. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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