

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24435 of 2019

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1. Suresh Ram Son of Lochi Ram Resident of Village- Madhubani, P.S.- Sangrampur, District- East Champaran.
 2. Lochi Ram Son of Desai Ram Resident of Village- Madhubani, P.S.- Sangrampur, District- East Champaran.
 3. Naresh Ram Son of Lochi Ram Resident of Village- Madhubani, P.S.- Sangrampur, District- East Champaran.
 4. Vikram Ram Son of Lochi Ram Resident of Village- Madhubani, P.S.- Sangrampur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, East Champaran at Motihari.
3. The Sub-Divisional Officer, Areraj, East Champaran.
4. The Anchal Adhikari, Achal- Sangrampur, P.S.- Sangrampur, District- East Champaran.
5. Vinod Ram, Son of Ram Chander Ram, Resident of Village- Madhubani, P.S.- Sangrampur, District- East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jagdish Prasad, Advocate
For the State	:	Mr. Sajid Salim Khan, S.C. - 25
		Mr. A.D. Siddique, A.C. to SC 25
For the Respondent No.5:		Mr. Sakil Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-01-2020 Heard learned counsel for the parties.

2. This writ application has been filed for setting aside an order dated 19.04.2014 passed in an appeal preferred by the petitioners and others in Public Land Encroachment Case No. 61/11-12 by the District Magistrate, East Champaran, Motihari. The petitioners were aggrieved by the order of the



Circle Officer passed in Encroachment Case No. 2/10 dated 3.7.2011 whereby they were directed to remove the encroachment over the public land, within seven days. It transpires from the impugned order that the Circle Officer had given petitioners, an opportunity of hearing after having found them to have encroached upon the public land. The petitioners had earlier approached this Court by filing CWJC No. 17389 of 2011 which was disposed of by an order dated 03.11.2011 directing the authorities to dispose of the encroachment case. It is noticeable from the impugned order that on the basis of the report of the Revenue Clerk, Amin and the Circle Inspector that the Circle Officer and the Collector, East Champaran, Motihari, reached a definite conclusion that the land in question was a public land which was encroached upon by the petitioners. The petitioners could not adduce any evidence to justify their occupation over the land in question. In that background, the appellate authority has dismissed the appeals of these petitioners by the impugned order.

3. On perusal of the appellate order, I find that the same is speaking and reasoned one and considers the materials relevant for taking a decision under the provisions of the Act, for the purpose of disposal of the petitioners' appeal.



4. There is yet another aspect of the matter. This writ application has been filed on 5.12.2019, more than 5 ½ years after dismissal of the petitioners' appeal. This writ application deserves to be dismissed on the ground of delay and laches also.

5. For the aforesaid reason, this writ application is, accordingly, **dismissed**.

(Chakradhari Sharan Singh, J)

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