

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23868 of 2019

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1. Siya Ram Prasad Son of Sri Rajendra Sah resident of Village- Sikaria, P.O. Sikaria, P.S. Jehanabad, District- Jehanabad, Bihar- 804454.
 2. Gayanti Devi Wife of Siya Ram Prasad resident of Village- Sikaria, P.O. Sikaria, P.S. Jehanabad, District- Jehanabad, Bihar- 804454.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Jehanabad.
3. The Deputy Collector (Establishment), Jehanabad.
4. The Sub- Divisional Officer, District- Jehanabad.
5. The Circle Officer, Jehanabad, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra
For the Respondent/s : Mr. Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 14-01-2020 Heard learned counsel for the parties.

2. The petitioners have put to challenge a notice issued under Section 6 (2) of the Bihar Public Land Encroachment Act, 1956, by the Circle Officer, Jehanabad, whereby he has been directed to remove encroachment caused by him over a public land. It transpires from the materials available on record that before issuance of the said notice under Section 6(2) of the Act, notice under Section 3 of the Act was issued and the petitioners were given an opportunity to explain. It is the petitioners' case, however, that they and their ancestors



have been in possession from the land in question for nearly 60 years and the impugned order, therefore, suffers from illegality.

3. Be that as it may, the petitioners have alternative statutory remedy of appeal against the impugned order under the provisions of the Act which the petitioners have apparently not availed.

4. This writ application is, accordingly, disposed of with an opportunity to the petitioners to approach the appellate authority. It is indicated that if any appeal is preferred within one month from today, the appellate authority shall decide the petitioners' claim on merits without entering into the technicalities of delay in filing appeal since the petitioners were pursuing their remedy before this Court by filing the present writ application.

(Chakradhari Sharan Singh, J)

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