

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24652 of 2019

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1. Radhe Shyam Chaudhary @ Radhe Shyam Parkash, Son of Ram Briksh Chaudhary, Resident of Village-Chhanaha, P.O.-Bishunpur, P.S.-Baghaila, District-Rohtas.
 2. Visheshwar, Son of Late Ram Pujan Chaudhary, Resident of Village-Chhanaha, P.O.-Bishunpur, P.S.-Baghaila, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Rohtas, Sasaram.
2. The Circle Officer, Rajpur, P.O., P.S. and Block Rajpur, District-Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Din Bandhu Singh, Advocate
For the State	:	Mr. Rishi Raj Sinha, S.c. 19
		Mr. Akhilesh Kumar Sinha, A.C. to S.C.-19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-01-2020 Heard learned counsel for the parties.

2. The petitioners have put to challenge an order passed by the Circle Officer, Rajpur, Rohtas, dated 03.10.2019 under Section 6 (2) of Public Land Encroachment Act, 1956.

3. It is the petitioners' case that the land encroachment proceeding was initiated against his father who died in the month of May, 2019, and without getting his heirs substituted in the land encroachment proceeding, the said order has been passed.

4. Be that as it may, the petitioner has remedy of appeal under the Bihar Land Encroachment Act, 1956, before



the Appellate Authority, which he has not invoked.

5. This writ application is, accordingly, disposed of with a liberty to the petitioner to prefer an appeal against the impugned order. It is indicated that if any appeal is filed within one month from today by the petitioners along with an application for condonation of delay, the Appellate Authority shall dispose it of keeping in mind the fact that the petitioners were pursuing their remedies before this Court by filing present writ application.

(Chakradhari Sharan Singh, J)

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