

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23745 of 2019

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Ram Prakash Sah, son of Keshaw Sah, resident of village - Babua Bazar,
Ward No. 12, P.S.- Piri Bazar, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The District Magistrate, Lakhisari,
3. The Superintendent of Police, Lakhisari,
4. The Sub - Divisional Officer, Lakhisari Sadar, District- lakhisari.
5. The Block Development Officer, Block- Surajgarha, District- Lakhisarai.
6. The Circle Officer, Anchal- Surajgarha, District- Lakhisarai.
7. The Officer - in - charge, Police Station- Piri Bazar, District- Lakhisarai.
8. Indushekhar son of Late Wakil Singh, resident of village- Ghoshith, P.S. Piri Bazar, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manohar Prasad Singh
		Mr.Narsingh Tanti
For the Respondent/s	:	Mr.Md.M.N.H.Khan (SC 1)
	:	Mr.Md.Fazk Karim (AC to SC 1)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 05-03-2020 The petitioner is aggrieved by notice issued by the Collector under the Bihar Public Land Encroachment Act, 1956-cum-Circle Officer, Surajgarha under Section 6(2) of the Act whereby the petitioner has been asked to remove the encroachment caused by him over a public land.

Learned counsel appearing on behalf of the petitioner submits that before issuance of the impugned notice under Section 6(2) of the Act, a notice under Section 3 of the



Act was not validly served and he was not given adequate opportunity of hearing.

Be that as it may, the petitioner has a remedy of appeal before the Collector of the District under Section 11 of the Act, against the impugned notice/order. This application is thus disposed of, with an observation that the petitioner shall be at liberty to prefer this appeal against the impugned notice before the Collector. If any question of limitation arises in filing appeal before the Collector of the district, 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.

It goes without saying that the petitioner shall be at liberty to seek interim relief before the appellate authority

(Chakradhari Sharan Singh, J)

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