

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25765 of 2019

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Lalan Rai @ Suresh Rai Son of Late Deomuni Rai Resident of Village-
Katharai, P.O.- Siyadih, P.S.- Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector, Bhojpur (Ara).
2. The District Collector Bhojpur at Ara.
3. The Sub- Divisional Officer Piro, Bhojpur.
4. The Circle Officer Charpokhari, Piro, Bhojpur.
5. S.H.O. Police Station Charpokhari Piro, Bhojpur.
6. Birendra Kumar Rai Son of Keshaw Prasad Rai Resident of Village-
Katharai, P.O.- Siyadih, P.S.- Charpokhari, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Maya Shankar Mishra
For the Respondent/s : Mr.Raj Kishore Roy (GP-18)
Mr. Prena Anand, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-01-2020 Heard learned counsel for the parties.

2. An order dated 01.11.2018 passed by the Circle Officer, Charpokhari in Encroachment Case No. 13 of 2017-18 has been challenged in the present writ application, whereby a direction has been given to the petitioner in exercise of powers under Section 6(2) of the Land Encroachment Act to remove encroachment from the public land with clear stipulation that if the petitioner fails to remove the encroachment, the authorities shall be at liberty to remove the same with use of force.

3. This writ application has been filed more than a



year after the impugned order dated 01.11.2018 was passed. The petitioner had remedy of appeal against the impugned order, which he has admittedly not invoked.

4. In such circumstance, I do not find any merit in this writ application, which is accordingly dismissed.

5. It goes without saying that the petitioner shall be at liberty to take recourse to appropriate provision of law including by way of filing appeal against the impugned order.

6. It will be open to the appellate authority to consider petitioner's prayer for condonation of delay but should not be influenced by any observation made in the present order, while considering the petitioner's application for condonation of delay.

(Chakradhari Sharan Singh, J)

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