

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25839 of 2019

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Bandhu Sharma Son of Ramji Sharma@ Late Ramnik Sharma, R/o Village-
Salathua, P.S. Kudra, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Secretary, Department of
Land Reforms and Revenue, Govt. of Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabua.
3. The Sub- Divisional Officer, Mohania, District- Kaimur.
4. The Circle Officer, Kudra, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sheo Jee Mishra
For the Respondent/s	:	Mr.Sajid Slaim Khan (Sc25)
		Ms. P. Sharma, AC to SC-25

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

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

2. It seems that a notice under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 has been issued by the Circle Officer, Kudra, asking the petitioner to remove encroachment caused by him on a piece of land, which according to the Circle Officer is a public land within the meaning of sub-section (5) of Section 2 of the Act.

3. The petitioner had remedy of appeal against the said order passed by the Circle Officer, leading to issuance of notice under Section 6(2) of the Act. The petitioner did not file appeal within the stipulated period and has approached this



Court by filing a present writ application on 21.12.2019. Since the petitioner has failed to invoke statutory remedy of appeal under the Act before approaching this Court challenging the correctness of decision of the Circle Officer under the Bihar Public Land Encroachment Act, 1956, I am not inclined to interfere in the matter at this stage.

4. The petitioner shall be at liberty to prefer appeal against the impugned order. If any question of limitation arises in preferring appeal and if such appeal is filed within thirty days from today, the petitioner's application for condonation of delay shall be considered liberally and his appeal shall be decided on merits.

5. This disposes of the application.

(Chakradhari Sharan Singh, J)

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