

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25207 of 2019

-
1. Dinesh Yadav, Son of Late Punay Yadav, resident of Village- Chandaniya, P.S. Sangrampur, District- Munger.
 2. Sushil Yadav, Son of Amrit Yadav, resident of Village- Chandaniya, P.S. Sangrampur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Munger.
2. Zila Parishad, Munger through the Chief Executive Officer.
3. The Chief Executive Officer cum Deputy Development Commissioner, Munger.
4. Circle Officer, Sangrampur, Munger.
5. Collector cum District Magistrate, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitender Kishore Verma
	:	Mrs.Soni Shrivastava
	:	Mr.Ravi Bhardwaj
For the State	:	Mr.Rakesh Kumar Shrivastava (AC to GP-15)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 25-02-2020 The petitioners have filed the present writ application seeking direction to provide them a copy of the final order dated 26.10.2019, if any, passed in Public Land Encroachment Case No. 3/19-20 and upon production thereof the same to be quashed to the extent it relates to the petitioners. The said order dated 26.10.2019, has been passed under Section 6(1) of the Bihar Land Encroachment Act, 1956.

2. In view of the nature of the plea, which was taken in the writ application, the Court had directed personal



appearance of the Circle Officer and had asked him to file counter affidavit.

3. A counter affidavit has been filed accordingly on behalf of the Circle Officer. Along with the said counter affidavit, a copy of the said order dated 26.10.2019 has been annexed. Initially, the Court was made to understand that no such order was ever passed before issuance of the notice under Section 6(2) of the Act. It is the case of the Circle Officer, as narrated in the counter affidavit, that the said order dated 26.10.2019, was seen by the petitioners, who had put their respective signatures in the order sheet.

4. Be that as it may, since the petitioners have remedy of appeal under the provisions of the Act against the order dated 26.10.2019, this application is disposed of with a direction that let a certified copy of the order dated 26.10.2019, be supplied to them within one week from today. The petitioners shall be at liberty to prefer appeal against the said impugned order.

5. It is indicated that if any question of delay in preferring the appeal arises, the appellate authority shall consider condonation of delay, keeping in mind the fact that the petitioners were pursuing their remedy before this court by filing the present writ application. It is made clear that I have



not gone into the merits of the petitioners' case and the points, which have taken in the present writ application. It goes without saying, therefore, that the petitioners shall be at liberty to raise all the points and the grounds, which they have taken in the present writ application before the appellate authority.

6. This writ application stands disposed of with the aforesaid observations.

(Chakradhari Sharan Singh, J)

AKASH/-

U			
---	--	--	--

