

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2953 of 2020

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Sudisht Narayan Jha, Son of Ganesh Jha, Resident of Village- Kaligaon, P.O.
and P.S.- Kaligaon, Anchal- Sighwara, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretaary, Revenue and Land Reform, Government of Bihar,
Patna.
3. The District Magistrate-cum- Collector, Darbhanga.
4. The Sub-Divisional Officer, Darbhanga.
5. The Circle Officer, Sighwara, District- Darbhagna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Upendra Pratap Singh, Advocate
For the Respondent/s : Mr. Rakesh Ranjan, AC to AAG-12.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 21-09-2021 Heard Mr. Upendra Pratap Singh, learned counsel

for the petitioner and Mr. Rakesh Ranjan, learned AC to AAG-

12 appearing for the State.

Petitioner was aggrieved by the Notice dated
26.12.2019, issued by Circle Officer, Sighwara, Darbhanga
(respondent No.5) under Section 3 and (6)(2) of Bihar Public
Land Encroachment Act by which the petitioner was directed to
file his objection regarding the encroachment upon the subject
land and as to why the said encroachment be not removed under
the Bihar Public Land Encroachment Act, 1956 (hereinafter
referred to as the 'Act').



Learned counsel for the petitioner submits that during the pendency of this writ application, without considering the objection filed by the petitioner, the Circle Officer, Sighwara, Darbhang has dispossessed the petitioner from his Raiyati land bearing Khata No.2015 plot No.1472.

On the other hand, learned counsel for the State submits that order for removal of encroachment from the public land in question has been passed after taking into consideration the objection filed by the petitioner which would be evident from the ordersheet of Encroachment Case No.18/2019 Annexed with the counter affidavit.

Learned counsel for the State further submits that the order dated 03.01.2020 passed by C.O, Sighwara, Darbhang is appealable order under Section 11 of the Bihar Public Land Encroachment Act and the petitioner may be directed to seek alternative remedy of appeal before the District Magistrate/ Collector, Darbhanga.

After having heard learned counsel for the parties and without expressing any opinion upon merit of the case, the petitioner is directed to prefer an Appeal before the District Magistrate/ Collector, Darbhanga within a period of six weeks and if such appeal is filed along with the condonation of delay



petition, the respondent No.3 is directed to dispose the same in accordance with law on its own merit within a period of three months from the date of filing of Appeal.

With the aforesaid observation and direction, the present writ application is disposed.

(Anil Kumar Sinha, J)

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