

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.175 of 2020

In

Civil Writ Jurisdiction Case No.2399 of 2017

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Ram Badan Singh, Son of Bhola Singh, Resident of Village-Chakya Tola,
P.O.-Chakiya P.S.-Pannapur, Distt.-Saran.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Department of Land Reforms and Revenue.
2. The Principal Secretary, Department of Land Reforms and Revenue Govt. of Bihar Secretariat Patna.
3. The Collector at Chhapra.
4. The S.D.O., Marhaura Sub-Division, Saran.
5. The Circle Officer, Panapur Circle, Distt.-Saran.
6. Ajit Kumar Singh, Son of Radhav Prasad Singh, Resident of Village Chakiya Tola P.O.-Chakiya, P.S.-Panapur, Dist.-Saran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sushil Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-09-2021

Heard learned counsel for the parties.

I.A. No. 01 of 2020

This interlocutory application has been filed for
condonation of delay of 1 year and 307 days in filing the present
appeal.

Sufficient reasons has been shown to condone the

delay in filing appeal, accordingly the Interlocutory application is allowed and the delay in filing this appeal is condoned.

I.A. No. 01 of 2020 is disposed of.

L.P.A. No. 175 of 2020

Being aggrieved by judgement and order dated 21.03.2018 passed in C.W.J.C. No. 2399 of 2017 passed by learned Single Judge of this Hon'ble Court, by which direction has been issued to Circle Officer, Panapur Circle, Saran (respondent no. 5) to initiate proceeding against respondent no. 6 under Public Land Encroachment Act for removing encroachment, if any, made over public land. No notice was issued to respondent no. 6 before passing impugned order, as such, present L.P.A. has been preferred by respondent no. 6.

Writ petitioner Ajit Kumar Singh had filed a writ petition for a direction to respondent no. 5, the Circle Officer, Panapur, Saran to get the encroachment removed from public land appertaining to R.S. Plot No. 2, Khata No. 296, situated in village Chakiya, District- Saran which has been encroached upon by respondent no. 6/appellant which is recorded in the Revisional Survey Khatian as Gair majarua Aam Chhawar. Residential houses of both writ petitioner and respondent no. 6/appellant are adjacent to the public land but respondent no.

6/appellant has encroached upon the public land and has made some constructions over public land against which public petitions were filed before the respondent no. 5 for its removal but in spite of several notices issued to respondent no. 6 no action was taken to remove encroachment and, as such, writ petition was filed for a direction to Circle Officer, Panapur, Saran (respondent no. 5) for removal of encroachment made over public land by respondent no. 6.

The writ petition was disposed of without issuance of any notice to respondent no. 6/appellant with a direction to Circle Officer, Panapur, Saran respondent no. 5 to examine the revenue records and to make a spot verification and measurement of land in question and if it appears to him that the land in question is a public land which has been encroached upon by respondent no. 6/appellant then he will initiate proceedings under the Bihar Public Land Encroachment Act, after giving due opportunity of hearing to all the affected parties including respondent no. 6/appellant and conclude the proceeding within four months.

No adverse order has been passed against respondent no. 6/appellant affecting his interest in any manner and the order passed by the writ court is general and innocuous rather interest

of respondent no. 6/appellant has been protected by the writ court that no order is to be passed without hearing respondent no. 6/appellant, as such, this Court does not find any reason or ground to interfere in the order passed by the writ court, accordingly, the L.P.A. is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA