

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.216 of 2020

In
Civil Writ Jurisdiction Case No.8819 of 2019

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1. Radha Krishna Choudhary alias Radha Kishun Choudhary Son of Late Shivnath Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
 2. Ramchandra Choudhary Son of Late Bahore Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Department of Land Reform and Revenue, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Circle Officer, Dumraon, Buxar.
4. Sri Ram Choudhary Son of Gorakh Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
5. Santosh Choudhary Son of Gorakh Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
6. Jawahar Choudhary Son of Late Buccha Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
7. Deban Choudhary Son of Late Buccha Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
8. Lalji Choudhary Son of Late Buccha Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
9. Hira Choudhary Son of Late Buccha Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
10. Dadan Choudhary Son of Late Buccha Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
11. Gulab Choudhary Son of Late Buccha Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
12. Jitan Choudhary Son of Late Chandrama Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
13. Ramchandra Choudhary Son of Late Dhuri Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
14. Bholanath Choudhary Son of Ghurahu Choudhary Resident of Village-

- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
15. Birendra Choudhary Son of Late Jagdish Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
 16. Mutan Choudhary Son of Late Mahabir Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
 17. Damodar Choudhary Son of Late Mahabir Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
 18. Gopal Choudhary Son of Late Bacchan Choudhary Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
 19. Ramkewal Singh Son of Late Singhasan Yadav Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
 20. Harikewal Singh Son of Late Singhasan Yadav Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
 21. Baliram Yadav Son of Late Ram Janam Singh Resident of Village- Navadera, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
 22. Hareram YAdav Son of Late Ram Janam Singh Resident of Village- Navdera, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.
 23. Sonu Singh Son of Late Birendra Bahadur Singh Resident of Village- Banheji, P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar, Pin Code- 802133.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Chandra Sinha
For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 26-08-2021

I.A. No.1 of 2020:

This interlocutory application has been filed by the
appellant for condoning the delay of 8 months 12 days in

preferring the present LPA.

For the reasons, as stated in aforesaid interlocutory application, the delay in preferring the present LPA is condoned.

I.A. No. 1 of 2020 stands allowed.

LPA No.216 of 2020:

Heard learned counsel for the parties.

Being aggrieved by judgement and order dated 23.04.2019 passed in C.W.J.C. No. 8819 of 2019 passed by learned Single Judge of this Hon'ble Court, appellant/respondent nos.12 and 13 have preferred this L.P.A. for setting aside judgement and order passed by learned Single Judge.

Writ petitioner had filed writ petition for expeditious disposal of encroachment case no.11 of 2018-19 pending before the Circle Officer, Dumraon, Buxar for removal of encroachment made over public land which is recorded in Khatiyani as "Anabad Bihar Sarkar".

Writ petition was disposed of by learned Single Judge by his order dated 23.4.2019 directing the Circle Officer to take appropriate decision in the matter of removal of encroachment after hearing all State holders within a maximum period of 6 months.

Appellants who were respondent nos.12 and 13 and were alleged to have encroached over the public land claimed their title and possession over the land in question for which, they have filed title suit no.134 of 2018 against State of Bihar which is pending in the court of Sub-Judge- 1st Dumraon.

Learned Single Judge has directed the Circle Officer to pass final order within 6 months in encroachment case after hearing all the State holders which includes appellants also, as such, no adverse order has been passed against appellants.

This Court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court.

The LPA is, accordingly, disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/ Veena -

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