

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6942 of 2020

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Ganga Prasad Dusad @ Ganga Paswan S/O Devki Paswan @ Devki Dusad
R/o Village- Naromurar, P.S- Nawada, District- Nawada, Presently R/o
Gonawa I.T.I, P.S- Nawada, District- Nawada (Bihar)

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Land Reform and Revenue Department, Government of Bihar, Patna.
2. The District Magistrate, Nawada
3. The Deputy Collector Officer Land Reform, Nawada
4. Sub-Divisional Officer, Nawada Sadar, Nawada
5. Block Development Officer, Nawada Sadar, Nawada
6. Circle Officer, Nawada Sadar, Nawada.
7. Station House officer, P.S- Nawada
8. Sandip Kuamr S/O Shalendra Kumar R/O Village- Gonawa ITI, P.S- nawada District- Patna Presently R/O 504 A, Ramjati Residensi Ashiyana Nagarm, opposite-Manish Medical hall Block Nagar Nigam District- Patna Pin Code- 800025, (Bihar)

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2021 Heard learned Counsel for the petitioner and the learned Counsel for the State.

Learned Counsel for the petitioner has assailed the final order passed in the Encroachment Case by way of Interlocutory Application. The same is dated 18.11.2019 passed in the Encroachment Proceeding No. 31 of 2019-2020 by the Circle Officer, Nawada.

The writ petition had been filed assailing the notice issued to the petitioner in the encroachment proceeding.

The final order in the encroachment proceeding has already been passed. The petitioner has remedy of appeal under



Section 11 of the Bihar Public Land Encroachment Act. Therefore this Court is of the opinion that the petitioner should avail the remedy of appeal. The remedy of appeal can be utilised by the petitioner to assert his claim on the basis of Hukumnama as per submission of the petitioner's Counsel during the proceedings today. The authorities would be in a position to examine the said claim in accordance with law while exercising appellate jurisdiction.

Learned Counsel for the State has also no objection to the said alternative remedy being availed by the petitioner.

If the appeal of the petitioner is time barred the authorities will not raise the issue of delay if the petitioner approaches the authority within a period of three weeks, from today.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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