

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9297 of 2020

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BHOLA DUSADH @ BHOLA PASWAN Son of Late Shivjanam Dusadh,
Resident of Village- Mathila, Post Office- Mathila, Gram Panchayat-Mathila,
Police station- Koransarai, Sub Division and Block- Dumraon, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Buxar
3. The Sub Divisional Officer Dumraon, District- Buxar
4. The Deputy Collector, Land Reforms, Dumraon, District- Buxar
5. The Circle Officer, Dumraon, District- Buxar
6. The Superintendent of Police, Buxar
7. The Sub Divisional Police Officer, Dumraon, District- Buxar
8. The Officer-in-Charge of Police Station Koransarai, District- Buxar
9. The Mukhiya, Gram Panchayat Mathila, Police station- Koransarai, District- Buxar
10. Vijay Paswan Son of Late Kanhaiya Paswan
11. Jagdish Keshri Son of Late Hari Prasad Keshri
12. Sanjay Choudhary Son of Late Kapidleo Choudhary
13. Jogindra Prasad son of Late Gouri Shankar Sah
14. Jitendra Kahar Son of Sripati Kohar
15. Jagdamba Kohar son of Sripati Kohar
16. Surendraji @ Yogendra Kohar son of Porahu Kohar
17. Nirmal Kohar son of shiv Shankar Kohar
18. Akash Kohar son of Anil Kohar
19. Raghubansh Singh son of Indrajeet Singh
20. Jagnarain Singh son of Rajgrihi Singh
21. Ramashray Koiri son of Shiv Narain Koiri
22. Lallan Koiri son of Late Sitaram Koiri
23. Narad Mahto son of Late Vishun Mahto
24. Saral Mahto son of Late Radha K Kirshna Mahto
25. Munna Kamkar son of Jagdish Kamkar
26. Mantu Rajbhar son of Mohan Rajbhar
27. Munna Kushwaha son of Bhikhari Kushwaha

... .. Respondent/s

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Appearance :



For the Petitioner/s : Mr.Nil Kamal, Advocate
For the Respondent/s : Mr.Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-04-2021 The matter has been heard online because of Covid-19 pandemic restrictions.

2. The petitioner has challenged the impugned orders, whereby in exercise of power under Sections 3 and 6 of Bihar Public Land Encroachment Act, 1956 he has been directed to remove the encroachment which he has caused from a public land.

3. The petitioner disputes the said finding recorded by the Circle Officer and contends that the same has been issued without giving the petitioner appropriate opportunity of hearing and without confirming actual service of notice upon him. He has submitted that the land, description of which has been given in the impugned order, does not belong to this petitioner though encroachment is proposed to be removed from the land in his possession.

4. Be that as it may, it has been rightly pointed out by the learned counsel for the State of Bihar that the petitioner has a remedy of appeal under Section 11 of the Act, which he has not invoked.

5. This application is accordingly disposed of with an



observation that the petitioner shall be at liberty to prefer an appeal against the impugned order. If he does so within a period of one month from today, the Appellate Authority shall consider the prayer for condonation of delay liberally keeping in mind the fact that the petitioner was advised to approach this Court by filing the present writ application; and dispose of the said appeal on merits, preferably within a period of three months from the date of filing of the appeal.

(Chakradhari Sharan Singh, J)

Rajesh/-

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