

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1440 of 2022

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1. Surendra Thakur Son of Late Manan Thakur Resident of Vilalge-Gaura Dhusaha, P.S.-Manjhi, District-saran at Chapra.
 2. Ramlakhi Thakur Son of Late Indrasen Thakur, Resident of Vilalge-Gaura Dhusaha, P.S.-Manjhi, District-Saran at Chapra.
 3. Brahmanand Thakur @ Brhmanand Singh Son of Late Indrasen Thakur Resident of Vilalge-Gaura Dhusaha, P.S.-Manjhi, District-Saran at Chapra.
 4. Vijay Thakur @ Vijay Singh Son of Late Indrasen Thakur Resident of Vilalge-Gaura Dhusaha, P.S.-Manjhi, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Development, Government of Bihar, Patna.
2. The Principal Secreary, Revenue and Land Rerorm Department, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Sub-Divisional Officer, Sadar Chapara, Saran.
5. The Circle Officer, Manjhi, Saran.
6. Vijay Kumar Thakur Son of Lalan Thakur, Resident Village-Gaura Dhusahan, P.S.-Manjhi, District-Saran.
7. Hari Shankar Singh Son of Kuldip Narayan Singh Resident Village-Gaura Dhusahan, P.S.-Manjhi, District-Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2022 Heard Mr. Ansul, learned counsel for the petitioners

and Mr. Raj Kishore Roy,, learned G.P. 18 for the State through

video conferencing.

The petitioners are aggrieved by the order dated
24.12.2021 (Annexure-9) passed by Circle Officer, Manjhi
(Saran) as well as the final notice dated 14.1.2022 under Section



6(2) of the Bihar Public Land Encroachment Act, 1956 (Annexure-10) whereby the Circle Officer, Manjhi (Saran) has directed for removal of encroachment from the land situated at Khata No. 149, Plot No. 1035 having an area of 7 Katthas 16 Dhurs having Thana No. 46 at Mauza Gaura Dhushan, P.S. Manjhi in the District of Saran.

Learned counsel for the petitioners submits that the petitioners are having possessory rights on the land in question through their ancestor which would be evident from Cadestral Survey Khatian annexed as Annexure-1 to this writ application. Learned counsel further submits that the Circle Officer, Manjhi (Saran) while passing the impugned order of removal of encroachment, did not consider the material and relevant evidence adduced by the petitioners during course of the proceeding. However, the petitioners have preferred an appeal before the Appellate Authority under Section 11 of the Public Land Encroachment Act on 13.01.2022 which is still pending. He next submits that the Respondent Authorities with the help of Police personnel had come at the site for demolition of the Godown and boundary wall of the petitioners situated upon the subject land during pendency of the appeal filed by the petitioners.



On the other hand, learned counsel for the State submits that since the petitioners have filed Encroachment Appeal which is pending, the present writ application may be disposed of with a direction to the Appellate Authority to dispose the appeal within a reasonable period.

In view of the submissions made by the parties, the Appellate Authority i.e. the District Magistrate, Saran at Chapra (Respondent No. 3) is directed to dispose the Encroachment Appeal filed by the petitioners on its own merit and in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

With aforesaid observation and direction, this writ application stands disposed of.

It is made clear that till disposal of the appeal by the Appellate Authority, there shall be no demolition of the structure of the petitioners situated upon the subject land.

(Anil Kumar Sinha, J)

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