

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.72 of 2022**

**In**

**Civil Writ Jurisdiction Case No.12248 of 2017**

- 
- 
1. Pancham Singh Son of Late Khelawan Singh, resident of Village - Uddaini, P.S. - Gopalpur, District - Patna.
  2. Jitendra Kumar @ Budha, Son of Pancham Singh, resident of Village - Uddaini, P.S. - Gopalpur, District - Patna.

... .. Appellants/ respondents no.7 & 8

Versus

1. The State of Bihar through District Magistrate, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The D.C.L.R., Patna Sadar, Patna.
5. The Circle Officer, Sampatchak, Patna.
6. Shyam Narayan Singh Son of Late Ramdin Singh
7. Chhaggu Singh, Son of Late Khelawan Singh,
8. Appu Kumar, son of Sri Chhagu Singh,
9. Ram Pravesh Singh, Son of Late Ram Ekbal Singh,
10. Guddu Kumar @ Nawal Kumar, Son of Sri Ram Pravesh Singh,
11. Kapildeo Singh, Son of Late Gauri Charan Singh @ Ram Charan Das, all ( 6 to 11) are resident of Village - Uddaini, P.S. - Gopalpur, District - Patna.

... .. Respondents-respondents

---

---

**Appearance :**

For the Appellant/s : Mr. Sita Ram Prasad, Advocate  
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 by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

**Date : 25-02-2022**

Heard learned counsel for the parties.

This LPA has been filed against the judgment and order dated 13.07.2018 passed by learned Single Judge in CWJC No.12248/2017 by which the learned Single Judge has directed competent authority to initiate proceeding under Bihar Public Land Encroachment Act within three months and to remove encroachment, if any, found over the public land.

In the order itself, learned Single Judge has clarified that although respondent nos.6 to 12 are private parties but in view of the nature of order, the Court proposes to pass, there was no requirement to issue notices to them before passing the order, as no adverse order is being passed against them adversely affecting their interest. Present appellant is one of the private respondents no.7 in the writ petition.

Writ petitioner had filed the writ petition for a direction to authorities for removal of encroachment made over public land as detailed in the writ petition. The encroached land is recorded as Gair Majarua Aam land in the revenue records maintained by the government and same has been encroached

upon by the private respondent nos. 6 to 12.

It was further submitted that an encroachment case no.9 of 87-88 was initiated for removal of encroachment over the said public land but its outcome was not known. The learned Single Judge disposed of the writ petition with a direction to Circle Officer,, Sampatchak to examine the revenue records with regard to the land in question and if same is found to be public land which has been encroached upon he shall initiate a proceeding under the Bihar Public Land Encroachment Act, if already not initiated and shall take such proceeding to its logical end within a period of three months giving opportunity to all affected parties including the writ petitioner and respondent nos.6 to 12 which includes present appellant.

The order, as impugned, in this LPA does not adversely affect the interest of petitioner in any manner rather the interest of the appellant has been duly protected by the learned Single Judge while disposing of the writ petition that appellant shall be given due notice and opportunity in the encroachment proceeding and after hearing all the affected parties, final order has to be passed.

In such view of the matter, this Court does not find any error or infirmity in the order passed by the learned Single

Judge nor this Court finds any prejudice has been caused to the  
appellant on account of non-issuance of notice to him.

There is no merit in this LPA and, accordingly, it is  
dismissed.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sanjay/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 25.02.2022 |
| Transmission Date | NA         |