

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1584 of 2018

Ram Balak Yadav @ Ram Balak Prasad Son of Late Rameshwar Yadav
Resident Village-Barakar Tola Kripa Bigha Mauza Sikandarpur, P.S. Rajgir,
District Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Collector Nalanda at Biharsharif.
3. The Sub Divisional Officer Rajgir, District Nalanda.
4. The Circle Officer, Rajgir, P.S. Rajgir District Nalanda.
5. Shiv Shankar Prasad Son of Late Bishu Yadav
6. Ishwari Yadav Son of Late Bhagwat Yadav
7. Rambali Prasad Yadav Son of Late Baudhu Yadav
8. Baldeo Mahto Son of Prayag Yadav
9. Bhasho Yadav Son of Bhagru Yadav All Resident Village-Barakar Tola Kripa Bigha @ Sakho Bigha, Mauza Sikandarpur P.S. Rajgir District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Respondent/s : Mr.Subash Chandra Yadav -Gp15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-10-2022 The petitioner is aggrieved by an order dated 04.08.2018 passed by learned Munsif Civil Judge Junior Division, Biharsharif whereby the amendment sought by the petitioner in the plaint challenging the order dated 27/03/1993 passed by the Circle Officer, Rajgir in Encroachment Case No. 31/ 1992-93 has been rejected.



Learned counsel for the petitioner submits that petitioner is aware that the order passed by the Circle Officer is appealable but since the petitioner has filed title suit in question for declaration of right, title and interest over the suit land, and as such, it is necessary to challenge the order for removal of encroachment from the suit land passed by the C.O., Rajgir in the said suit in order to prevent multiplicity of the litigation.

Learned counsel for the defendant nos.-6, 7, 9 and State submits that there is no infirmity in the impugned order and the learned trial court has rightly rejected the amendment petition filed by the plaintiff-petitioner inasmuch as there is express bar under Section 16 of the Bihar Public Land Encroachment Act, 1956 which creates bar on the jurisdiction of the Civil Court in respect of any order passed under the Bihar Public Land Encroachment Act, 1956.

Having heard learned counsel for the parties and taking into consideration the fact that there is express bar under the Bihar Public Land Encroachment Act, 1956 and Section 16 of the same stipulates that no suit or other legal



proceeding shall lie in any court in respect of any order passed under this Act, I do not find any infirmity and / or illegality in impugned order.

Accordingly, this civil miscellaneous application is rejected.

(Anil Kumar Sinha, J)

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