

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20945 of 2021

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Awadh Bihari Singh Son of Late Ghubul Singh R/o Vill- Orapkhurd,
Babuganj English, P.O.- Sikraul, P.S.- Navanagar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Patna, Bihar.
2. The District Magistrate, Buxar.
3. The Sub-Divisional Magistrate, Dumraon.
4. The Consolidation Officer, Navanagar, Buxar.
5. The Circle Officer, Navanagar, Buxar.
6. The Thana-in-Charge, Navanagar, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Standing Counsel-19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 12-07-2022 The learned counsel for the respondent-State has produced the entire order sheet of the Encroachment Case No. 3 of 2021 from which it appears that the final order, purportedly passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, is the one dated 16.09.2021.

At this juncture, the learned counsel for the petitioner submits that though the petitioner shall assail the said order dated 16.09.2021, passed by the Circle Officer, Navanagar, Buxar, however, it would be apt to mention some relevant facts to the effect that the said land in question was allotted by Patwari of Dumraon Raj on 21.01.1942 in the name of the father



of the petitioner, namely, Dhurul Singh and rent was being regularly paid by him. In fact, subsequently, a case was filed by the petitioner before the Consolidation Officer, Navanagar bearing Case No. 36 of 1977-78 for constructing the khatian, however, the same was rejected vide order dated 14.05.1977, whereafter he preferred an appeal before the Deputy Director, Consolidation, Bhojpur, Ara vide Appeal No. 2/1978-79 and after hearing the parties the aforesaid order passed by the Consolidation Officer, Navanagar was quashed by an order dated 18.09.1978. Thereafter, the Consolation Officer, Navanagar had passed an order dated 22.02.1979 and directed the concerned office to create the consolidation khatian. It is thus submitted that the appellate authority be directed to also consider the aforesaid facts of the present case.

Having regard to the facts and circumstances of the case, the present petition stands disposed off with liberty to the petitioner to file an appeal, challenging the aforesaid order dated 16.09.2021, passed by the Circle Officer, Navanagar, Buxar in Encroachment Case No. 3 of 2021, however, with a direction to the appellate authority to consider all the facts to be placed by the petitioner herein in his appeal and pass appropriate orders thereon, in accordance with law.



It is needless to state that in case appropriate appeal is filed within a period of six weeks from today, the appeal shall be heard on merits and disposed off in accordance with law, without the appellate authority being impeded by the issue of limitation.

(Mohit Kumar Shah, J)

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