

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1912 of 2023

1. Saral Chaudhary @ Saral Pasi Son of Late Nagina Chaudhary @ Late Nagina Pasi, Resident of village - Bathua Bazar, Police Station - Phulwaria, District - Gopalganj.
2. Hiramati Devi, Wife of Late Prabhu Mahto, Resident of village - Bathua Bazar, Police Station - Phulwaria, District - Gopalganj.
3. Chandrawati Devi, Wife of Late Biran Mahto, Resident of village - Bathua Bazar, Police Station - Phulwaria, District - Gopalganj.
4. Anawat Mahato, son of Late Mathura Mahato, Resident of village - Bathua Bazar, Police Station - Phulwaria, District - Gopalganj.
5. Nizamuddin Baitha @ Nijamoddin Baitha, son of Saheb Hussain, Resident of village - Bathua Bazar, Police Station - Phulwaria, District - Gopalganj.
6. Umesh Prasad, son of Kashinath Prasad, Resident of village - Bathua Bazar, Police Station - Phulwaria, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Additional Collector, Gopalganj.
4. The Sub-divisional Officer, Gopalganj.
5. The Circle Officer, Phulwaria Block, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-09-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1. That this is an application for issuance of an appropriate writ and/ or order and/ or direction for quashing of notice dated 29.11.2022 issued under the signature of Circle Officer, Phulwaria for removal of encroachment from the Pokhar under Mauza - Bathua Bazar, thana No. 642, khata no. 102, khesra no. 506 Area 2.55 dec.



without passing any order under Bihar Public Land Encroachment Act.”

2. At the outset, the learned counsel for the respondent-State has referred to the final order dated 07.10.2021, passed by the Circle Officer, Fulwaria, in connection with Encroachment Case No.21 of 2020-21, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, and has further submitted that if the petitioner is aggrieved, he may file appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956.

3. The learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 07.10.2021, by filing appropriate appeal. Liberty so sought is granted.

4. It is needless to state that in case appropriate appeal is filed, within a period of four weeks from today, the appellate authority shall examine the same on merits, without being impeded by the issue of limitation and pass a reasoned and a speaking order, in accordance with law, forthwith.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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