

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12683 of 2016

1. Sushil Prasad @ Sunil Prasad
2. Kundal Prasad
3. Krishna Prasad
4. Kailash Prasad
5. Kanhaiya Prasad All are Sons Of Late Nathuni Prasad Resident of Village-Patkhauli, P.O.-Bargajwa, P.S.-Gaunha, District-West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Bettiah, District- West Champaran
2. The Sub-Divisional Officer, Narkatiaganj, P.S.-Shikarpur, District-West Champaran
3. The Anchal Adhikari, Gaunha Anchal, District-West Champaran
4. Kamlesh Sah Son of Sadhu Sah Resident of Village-Patkhauli, P.O.-Bargajwa, P.S.-Gaunha, District-West Champaran
5. Jhotil Sah Son of Fagu Sah Resident of Village-Patkhauli, P.O.-Bargajwa, P.S.-Gaunha, District-West Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha-SC 19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 26-07-2023

1. The present petition has been filed seeking the following relief :-

“(i) For quashing of the notice dated 16.07.2016, by which the petitioners and others have been directed to remove the encroachment from the land appertaining to Khata no. 109, Khesra no. 297/2 and 297/3 measuring area 0.06 decimal and 0.01 decimal respectively situated at Mauza



Patkhauli and it is further directed that in the event of non compliance of the direction, the encroachment will be removed with the help of force as further stated that expenses incurred due to removal of encroachment will be recovered from the petitioners thereafter.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the order dated 16.07.2016, passed by the Circle Officer, Gaunaha, in connection with Encroachment case no. 02 of 2015-16, by filing appropriate appeal, however seeks a direction upon the appellate authority to consider the appeal of the petitioners on merits, without being impeded by the issue of limitation.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with liberty to the petitioners to file appeal, challenging the aforesaid order dated 16.07.2016 and in case, the appeal is filed within a period of four weeks from today, the same shall be heard on merits and disposed off by the appellate authority, by passing a reasoned and a speaking order, in accordance with law, forthwith.



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

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.2023
Transmission Date	NA

