

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.691 of 2024

In
Civil Writ Jurisdiction Case No.13048 of 2023

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Suman Kumar Son of late Chandrika Thakur, R/o village- Bagaha Nizamat,
PS- Thawe, Dist-Gopalganj, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar through Secretary, Department of Land Reforms and Revenue, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj, Bihar.
3. The Sub-Divisional Officer, Gopalganj.
4. The Circle Officer, Thawe, Gopalganj.
5. Shivaji Sharma, Son of late Indradev Sharma, R/o Village- Bagaha Nizamat, P.S. Thawe, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sumit Shekhar Pandey, Advocate

For the Respondent/s : Mr. Addl. Advocate General 12

Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 06-12-2024 The appeal is against an order which directed the writ petitioner to approach the authorities under the Bihar Public Land Encroachment Act, 1956, who was also directed to dispose of the same within six months after hearing the alleged encroachers.

2. The appeal is filed on the ground that the very same writ petitioner had approached this Court once before and got the writ petition dismissed as withdrawn, which fact has not been stated in the writ petition.



3. It is also submitted that there was an appeal bearing Title Appeal No. 12 of 2011 pending before the A.D.J-II, Gopalganj. It is submitted by the appellant that it was the submission of the writ petitioner before the Court at the earlier stage that he would implead himself in the title appeal, which was also recorded in the order. The learned Single Judge passed the order at the admission stage is the submission; without notice to the 5th Respondent in the writ petition, who is the appellant herein. It is only appropriate that the appellant file a review before the learned Single Judge.

4. We hence stay the judgment impugned for a month within which time the review would be moved.

5. The appeal is disposed of with the above liberty.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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