

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.137 of 2025

In
Civil Writ Jurisdiction Case No.19117 of 2014

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Shital Devi Wife of Badri Sah, Resident of Village Parwaha, Police Station -
Parihar, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar through the Collector, Sitamarhi.
2. The Sub- Divisional Officer, Sitamarhi Sadar, District- Sitamarhi.
3. The District Collector, Land Revenue Sitamarhi Sadar, District - Sitamarhi.
4. The Circle Officer, Parihar, District- Sitamarhi.
5. The Officer Incharge, Police Station - Parihar, District - Sitamarhi.
6. Yogendra Roy Son of Late Niranjana Roy, Resident of Village - Parwaha,
Police Station - Parihar, District- Sitamarhi.
7. Shiv Chandra Sah Son of Late Badri Sah, Resident of Village - Parwaha,
Police Station - Parihar, District- Sitamarhi.
8. Deo Chandra Sah Son of Late Badri Sah, Resident of Village - Parwaha,
Police Station - Parihar, District- Sitamarhi.
9. Mahadeo Sah Son of Late Badri Sah, Resident of Village - Parwaha, Police
Station - Parihar, District- Sitamarhi.
10. Pramod Sah Son of Late Badri Sah, Resident of Village - Parwaha, Police
Station - Parihar, District- Sitamarhi.
11. Navin Kumar Son of Late Badri Sah, Resident of Village - Parwaha, Police
Station - Parihar, District- Sitamarhi.
12. Ram Vinay Prasad Son of Late Badri Sah, Resident of Village - Parwaha,
Police Station - Parihar, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Yogendra Mishra, Adv Ms. Swati Mishra, Adv
For the Respondent/s	:	Mr. Additional Advocate General (12)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 10-09-2025 In the instant LPA, appellant has assailed the order

of the learned Single Judge dated 10.07.2024 passed in CWJC



No. 19117 of 2014.

2. In the writ petition, Petitioner-Yogendra Roy had prayed for the following relief(s):

“For issuance of writ(s), order(s) or directions commanding the Respondents to remove encroachment from the Public road as well as approaching road to local Bazar situated at Mauza Parwaha Plot No. 1138 Khata No. 820 measuring an area 16 decimal recorded in the name of Bihar Sarkar, and/or be pleased to pass such other order(s) as your lordship may deem fit and proper.”

3. In the writ petition, the learned Single Judge has passed the following order:

“1. The present writ petition has been filed seeking the following relief(s):-

"1. That the present writ application is being filed for issuance of writ(s), Order(s) or directions commanding the Respondents to remove encroachment from the Public road as well as approaching road to local Bazar situated at Mauza Parwaha Plot No. 1138 Khata No. 820 measuring an area 16 decimal recorded in the name of Bihar Sarkar."



2. At the outset, the learned counsel for the respondent-State submits by referring to the counter affidavit, filed in the present case way back in the year, 2016 that after cancellation of the concerned Jamabandi, steps are being taken for removal of the encroachment in question. It is further submitted by the learned counsel for the respondent-State that in case encroachment proceedings have not been instituted against the encroachers of the land in question, the same shall definitely be initiated, within a period of four weeks from today as also the same shall be taken to its logical conclusion, within a period of eight weeks, thereafter, in accordance with law and after hearing the affected parties. It is directed accordingly.

3. The writ petition stands disposed off on the aforesaid terms.”

4. No doubt, appellant's right would be affected in the event of any proceeding is initiated by virtue of order of the learned Single Judge, however, he would be provided ample opportunity under various provision of Bihar Public Land Encroachment Act. Therefore, the appellant has not made out a case. The concerned authorities who are implementing the order of learned Single Judge dated 10.07.2024 passed in CWJC No. 19117 of 2014 are hereby directed to strictly adhere to the



aforementioned statutory provision and after providing ample opportunity of hearing of the appellant.

5. With the above observation, the present LPA stands disposed of. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

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