

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.785 of 2023

In
Civil Writ Jurisdiction Case No.19000 of 2015

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Harendra Rai @ Harendra Ray, Son of Bhagirath Rai @ Bhagirath Ray,
Resident of Village-Baksama, P.S.-Baksama, District-Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar Bihar.
2. The Commissioner, Vaishali.
3. The District Magistrate, Vaishali.
4. Superintendent of Police, Vaishali.
5. The Sub Divisional Magistrate, Vaishali.
6. The Deputy Collector Land Reforms, Vaishali.
7. The Circle Officer, Goraul, Vaishali.
8. Vaidyanath Prasad Singh, Son of Late Ram Baran Singh, Resident of Village
- Baksama, P.O. Baksama, P.S. - Kathara, Block Goroul, District - Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Naresh Chandra Verma, Advocate
For the Respondent/s : Mr. AAG-12

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 25-02-2025

Re.- I.A. No. 01 of 2025

The learned Advocate for the appellant/
applicant presses I.A. No. 01 of 2025 for condoning the
delay of 27 days in preferring this appeal.

2. For the reasons stated in the application, the



delay of 27 days in preferring this appeal is condoned.

3. I.A. No. 01 of 2025 stands allowed.

Re : LPA No. 785 of 2023

4. One Vaidyanath Prasad Singh had approached this Court seeking a direction for removal of encroachment over the land of Nav Utkramit Uchch Madhyamik Vidyalaya bearing Khata No. 354, Khesra No. 890(New), Khesra No. 623 & 624(Old) measuring an area of 51 decimals in village Baksama at Goraul in the district of Vaishali.

5. It was alleged in the writ petition that the appellant herein had encroached upon the land of the school. However, before notice could be issued to the appellant, the State had brought forth a report of the Station House Officer, Katahra Outpost under the Goraul Police Station that the appellant had encroached the land in question.

6. Thus, the learned Single Judge directed the authorities to take proper steps for removing the



encroachment in accordance with law and after giving opportunity of hearing to the affected parties.

7. The appellant considers this order to be a statement against him and has thus preferred an appeal.

8. The order is absolutely clear that any proceeding against any person, much less the appellant, shall be initiated only after giving opportunity of hearing to him or to others. Merely because the appellant was not heard, would not contaminate the order passed by the learned Single Judge in any manner whatsoever.

9. We find no merit in this appeal and, therefore, we dismiss the same.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Rajesh/Saurabh

AFR/NAFR	NAFR
CAV DATE	NA
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