

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.849 of 2023

In
Civil Writ Jurisdiction Case No.14774 of 2016

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Om Prakash Lal

... .. Appellant/s

Versus

The State of Bihar and Ors.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Om Prakash Kumar, Adv

For the Respondent/s : Mr. Arun Kumar Bhagat, AC to AAG-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)

6 11-09-2025

Re: I.A. No. 01 of 2023

Heard I.A. No. 01 of 2023. There is delay of about 46 days in filing the present LPA No. 849 of 2023.

2. For the reasons stated in the application read with the affidavit, delay of about 46 days in filing the present LPA No. 849 of 2023 stands condoned.

3. Accordingly, I.A. No. 01 of 2023 is allowed.

Re: LPA No. 849 of 2023

4. The appellant has assailed the impugned order dated 19.04.2023 passed in CWJC No. 14774 of 2016 and order reads as under:-

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



“(i) For issuance of appropriate writ/ writs, order/ orders in the nature of mandamus directing the respondent authorities to pass final order in encroachment proceeding initiated on the application of the petitioner in the year 2014 and further to remove the encroachment from the public land bearing Khata no. 703, Khesra no. 3564 under Mauza Darmpur, Thana no. 109 in Shivajee Nagar Block in District of Samastipur as pointed out by Circle Amin.”

At the outset, the learned counsel for the respondent- State has referred to the counter affidavit filed by the District Magistrate, Samastipur, today in the Court itself, which has been taken on record, to submit that the encroachment in question was removed at an earlier point of time but the same has again re-surfaced, however, no action can be taken right now, against the private respondents no. 7 and 8, inasmuch as Basgit Parcha has been issued in their favour.

In such view of the matter, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail such other alternative remedies, as are otherwise available under the law. Liberty so sought, is granted.

The writ petition stands disposed off as not pressed.

Reading of the aforementioned order, it is crystal clear that there is no error so as to entertain with the order of the learned single judge dated 19.04.2023 passed in CWJC No. 14774 of 2016. If the appellant is of the view that error was committed by the learned single judge, in that event, he has a remedy of filing a civil review and the same has not been



resorted to.

5. Taking note of these facts and circumstances, the LPA No. 849 of 2023 stands dismissed, reserving liberty to the appellant to invoke a remedy of civil review if so advice.

6. Accordingly, the present LPA No. 849 of 2023 stands dismissed.

7. Pending interlocutory application(s), if any, stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

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