

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14538 of 2013

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Anil Kumar Son of Sri Umesh Prasad Yadav Resident of Village - Vidya Nagar Guriya, P.S. - Jadiya, District - Supaul At Present R/V P.O. P.S. - Triveniganj, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Saharsa
3. The Collector, Supaul.
4. The Sub-Divisional Officer, Triveniganj, District - Supaul.
5. The Circle Officer, Triveniganj, District - Supaul.
6. Sushil Yadav @ Sushil Kumar Suman, Son of Late Sheo Nandan Yadav Resident of Village - Thalaha Gadhiya, P.S. - Triveniganj, District - Supaul.
7. Dilip Kumar Yadav @ Dilip Kumar, Son of Late Sheo Nandan Yadav Resident of Village - Thalaha Gadhiya, P.S. - Triveniganj, District - Supaul.
8. Pawan Kumar Agrawal, Son of Onkarmal Agrawal Resident of Village - Latauna (Triveniganj), P.S. - Triveniganj, District - Supaul.
9. Shatrudhan Prasad Yadav, Son of Deo Narayan Yadav Resident of Village - Latauna (Triveniganj), P.S. - Triveniganj, District - Supaul.
10. The Chief Executive Officer, Zila Parishad, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha
For the State	:	Ms. Supragya, A.C. to G.P. 7
		Mr. Aman Priyadarshi, Adv
For Res. No. 6	:	Mr. Kamal Kishore Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

6 02-07-2025 Heard the parties.

2. With the consent of all the parties, this writ application is being disposed of at this stage itself.

3. The petitioner has prayed for quashing the order dated 21.06.2013 (Annexure-11) passed by the Divisional Commissioner, Koshi Division, Saharsa in Public Land



Encroachment Revision Case No. 142 of 2013, which as per the petitioner has been passed upsetting the findings given by two courts i.e. the original Court and the finding of the Appellate Court without holding any error or perversity existing in the orders passed by the two courts and the petitioner has also assailed the revisional order on the ground that it has been passed without considering the material fact.

4. It has been brought to the notice of this Court that against the same revisional order dated 21.06.2013 passed in Public Land Encroachment Revision Case No. 142 of 2013, two other persons had filed a writ application bearing CWJC No. 14446 of 2013, which has been set aside vide order dated 22.08.2023 and the matter has been remanded back to the Divisional Commissioner, Koshi Division, Saharsa for afresh hearing, giving opportunity of hearing to the petitioners of that case. There is consent of all the parties appearing in this case that similar order may be passed quashing the impugned order dated 21.06.2013 passed in Public Land Encroachment Revision Case No. 142 of 2013, giving opportunity of hearing to the petitioner to participate in the proceeding before the Divisional Commissioner, Koshi Division, Saharsa.

5. As per the consent of all the parties, the impugned



order dated 21.06.2013 passed by the Divisional Commissioner, Koshi Division, Saharsa in Public Land Encroachment Revision Case No. 142 of 2013 is hereby quashed and the matter is remanded back to the Divisional Commissioner, Koshi Division, Saharsa, who shall decide the matter afresh after giving an opportunity of hearing to the petitioner, who will be added as a party-respondent in the said revision case. After hearing all the parties concerned, the Divisional Commissioner, Koshi Division, Saharsa shall pass a fresh order, in accordance with law.

6. It is expected that the Divisional Commissioner, Koshi Division, Saharsa shall decide the revision case expeditiously preferably within a period of four months from the date of production of a copy of this order.

7. The present writ application thus stands allowed to the aforesaid extent. All pending I.A., if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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