
(2021) 09 PAT CK 0031

In the Patna High Court

Case No : Letters Patent Appeal No. 11 Of 2021 In Civil Writ Jurisdiction Case
No. 451 Of 2019

Subhash Enterprises

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 08-09-2021

Acts Referred:

Bihar Public Land Encroachment Act, 1956 — Section 3, 6(2)

Citation : (2021) 09 PAT CK 0031

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Rama Kant Singh, Deepak Kumar, Lalan Prasad Singh, Khurshid Alam

Final Decision : Dismissed

Judgement

Heard learned counsel for the parties.

Being aggrieved by judgement and order dated 03.03.2020 passed in C.W.J.C. No.451 of 2020 passed by learned Single Judge of this Hon'ble Court, appellants/petitioners have preferred this L.P.A.

Appellants had filed writ petition for (i) quashing three notices dated 23.8.2018 issued under Section 3 of the Bihar Public Land Encroachment Act by the Circle Officer, Aurangabad in Encroachment Case No. 9 /2017-18 in the names of appellants (ii) notice-cum-order dated 20.09.2018 for removal of encroachment over the land issued to appellant no.2 by the Circle Officer, Aurangabad in Land Encroachment Case No.9/2017-18 issued under Section 6 (2) of the Bihar Land Encroachment Act.

Appellants' case before the writ court was that they are running their shops in rented premises constructed over khata no.22, plot no.324 on basis of agreement entered between them and landowner but the authorities who have initiated encroachment case no.9 of 2017-19 in respect of khata no.191 plot no.263 in garb of said encroachment proceeding, want to demolish their rented

shops.

The subject matter of encroachment case no.9 of 2017-18 is plot no.263, khata no.191 which has been recorded in CS Khatiyani in the name of District Board and same has been handed over to the National Highway for construction of State Highway.

The writ court dismissed the writ petition with a cost of Rs.15,000/- as appellants had approached this Court with ulterior motive and oblique purpose and had abused the process of court by filing the writ petition as the notice under encroachment case is with respect to plot no.263, khata no.191 which is a public road in the revenue records whereas appellants claim their shop to be constructed over plot no.324 and khata no.22 which are not the subject matter of the encroachment case and they also failed to prove their bona fide and writ court found the contention of petitioners made in writ petition to be false, mischievous and misleading.

This Court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court.