Bharat Pd. Chaurasiya
Vs
State of Bihar

आदेश – पत्रक

(देखें अभिलेख हस्तक, 1941 का नियम 129)

आदेश पत्रक – ता0.....से.....तक

जिला .....सं0.....सन् 20

केस का प्रकार Land Encroachment appeal No. 09/2013.

आदेश की क्रम-संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारीख के साथ
	2	3

10.1.13 - Put up before Commissioner on 29.1.13.

Sd/
Secy to Com

29.01.2013 Appellant - files vakalatnama

Heard. The learned counsel for the Petitioner fails to convince the court as to how this case is maintainable before this court in view of the fact that the impugned order has been passed by Collector in Encroachment case No. 35/07-08, acting as an appellate authority. Section -11 of Bihar Public Land Encroachment Act- 1956 clearly provides that from every order passed under sections -6, 7 or 8 by any authority other than the Collector of the district, the appeal lies with the Collector of the district; it is only in Cases where order is passed by Collector of the district in his original jurisdiction that an appeal lies before the Commissioner of the Division. However, in the instant case the impugned order has been passed by Collector Siwan in his appellate jurisdiction in a case in which the original encroachment proceeding was initiated by C.O. Andar Circle.

Thus, in view of the jurisdictional error in filing this case before this court, the same is not maintainable here and is dismissed accordingly.

Commissioner
Saran Division, Chapra

11.2.13