

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.540 of 2018

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Satish Kumar, S/o Ranjeet Mahto, Resident of Village- Kawadpur, P.S.-
Suryagarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Department of Home, Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The Sub Divisional Magistrate, Lakhisarai.
4. The District Public Grievances Redressal Officer, Lakhisarai.
5. The Anchaladhikari, Suryagarha, District- Lakhisarai.
6. The Officer Incharge, Suryagarha Police Station, District- Lakhisarai.
7. Smt. Usha Devi, W/o Shri Narsingh Mahto, Resident of Village- Kawadpur, P.S.- Suryagarha, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Murarai Narayan Chaudhary, Adv. Mr. Vijay Kumar, Adv.
For the Respondent/s	:	Mr. P.K. Verma- AAG3 Mr. Rakesh Chandra, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 02-11-2018

Heard Mr. Murari Narain Chaudhary, learned counsel
for the petitioner. None appears for the State. Mr. Rakesh Chandra,
learned counsel appears for the respondent No.7.

The petitioner is aggrieved by the notice issued by
Circle Officer, Suryagarha in the district of Lakhisarai in purported
exercise of jurisdiction vested under the Bihar Public Land
Encroachment Act, 1956 (hereinafter referred to as 'the Act')
impugned at Annexure-1 alleging encroachment by the father of
the petitioner over a piece of land situated in Thana No.30, Mauza



Kawadpur, P.S. Suryagarha, Khata No. 259, Khesra No.555 having an area of 1.89 decimals which according to the Circle Officer, Suryagarha, is in the nature of the public road.

The impugned notice issued under Section 3 of ‘the Act’ initiates a proceeding against encroachment and thus an obligation is cast on the petitioner to respond to the notice and place his stand before the Circle Officer. Not having done so, the petitioner has rushed to this Court.

We are certainly not persuaded to interfere with the proceeding initiated vide Annexure- 2 at this stage. While thus reminding the Circle Officer, Suryagarha, District- Lakhisarai to dispose of the proceeding in accordance with law, as per the procedure prescribed under ‘the Act’ and after due opportunity of hearing to the connected parties, we dispose of the writ petition.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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