

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12497 of 2018**

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Sanjin Kumar @ Sajivan Kumar @ Sajeev Kumar, Son of Late Murat Prasad,  
Resident of Village-Deodha, Police Station-Dhanarua, in the District of Patna.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Revenue and land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate-cum-Collector, Patna.
5. The Sub-Divisional Officer, Masaurhi in the District of Patna.
6. The Circle Officer, Dhanarua in the District of Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar  
For the Respondent/s : Mr. Rishi Raj Sinha - Sc-19

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 11-07-2018**

Heard Mr. Sunil Kumar, learned counsel for the petitioner and Mr. Rishi Raj Sinha, learned SC-19 for the respondent-State.

The present writ application has been filed for quashing the notice dated 20.06.2018, issued under the signature of Respondent No.6, the Circle Officer, Dhanarua, under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), in Encroachment Case No. 02 of 2015-16, as contained in Annexure-1, whereby the petitioner has been directed to remove the encroachment within a period of seven days from the land, appertaining to Thana No.116, Khata No. 722, Plot



No. 2068, Khata No. 618, Plot No. 2069, situated at Mauza Deodha, Block Dhanarua, District Patna.

After some argument, learned counsel for the petitioner seeks permission to withdraw the present writ application with liberty to file appeal since this Court is not inclined to stay the operation of impugned notice, as contained in Annexure-1, in view of the fact that vide order dated 25.06.2018, passed in C.W.J.C. No. 17079 of 2015, this Court directed the Circle Officer, Dhanarua to take the proceeding of Encroachment Case No. 02 of 2015-16 to its logical conclusion within a period of three months.

However, in view of the prayer of the learned counsel for the petitioner to withdraw the present writ application with liberty to prefer appeal, the present writ application is disposed of with liberty to the petitioner to file an appeal within a period of two weeks from the date of receipt/production of a copy of this order with an application for condonation of delay, when it is expected from the Appellate Authority to consider the condonation of delay in view of the fact that writ application was pending before this Court.

Since it is submitted that over the land in question, the residential house of the petitioner is situated, for next three weeks



from today, status quo, as existing today with regard to the residential house of the petitioner, shall be maintained.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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