

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21008 of 2018

Shankar Bhagat, son of Anandi Bhagat, resident of Raikhand, Goraul, P.O. +
P.S.- Goraul, District- Vaishali. Petitioner/s

Versus

1. The State Of Bihar, through Collector, Vaishali
2. The Collector, Vaishali
3. The S.D.O., Mahua, Vaishali
4. Anchl Adhikari, Goraul, Vaishali. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ratan Kumar Sinha
For the Respondent/s : Mr. Md. Khurshid Alam- Aag12

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-12-2018 Heard the parties.

Following relief has been sought for in paragraph 1 of the
present writ application on behalf of the petitioner:

“That the present writ application is being filed for issuing
of a writ in the nature of mandamus directing the respondent
authority specially Respondent No. 4, namely, Anchal Adhikari,
Goraul not to take any action in the name of encroachment over
the petitioner’s khatiani land without measurement and without
hearing the petitioner and further issue a writ in the nature of
certiorari quashing the modification of Encroachment Case No.
1 of 2017-18 vide Memo No. 756 dated 14.8.18 and notice
dated 12.9.2018 (Annexure-7) and further direct the respondent
authorities not to take any coercive steps against the petitioner
over 0.02 decimal of land and to further grant any appropriate
writ/writs, order/orders, direction/directions for which the



petitioner is entitled.”

Annexure-7 is the notice issued upon the petitioner under Section 3 of the Bihar Public Land Encroachment Act (for short ‘the Act’) in Encroachment Case No. 01/2017-18. The said notice is dated 12.9.2018. It has been submitted on behalf of the petitioner that the petitioner had filed objection under Section 4 of the Act but neither the same has been entertained nor any opportunity of hearing under Section 5 has been given to the petitioner.

Considering the relief sought for and the submissions made on behalf of the petitioner, the petitioner is directed to file an objection under Section 4 of the Act. The respondents after complying the provisions under Section 5 of the Act, will be at liberty to pass a final order under Section 6(1) of the Act. The entire exercise has to be carried out within three months from the date of receipt/production of a copy of this order. In the meantime, the status-quo shall be maintained.

With the aforesaid observation/direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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