

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9794 of 2018

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Parmeshwari Devi Wife of Brij Nandan Mahto Resident of Village- Jori Pokhar, P.S. Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Commissioner, Bihar, Patna.
2. District Settlement Officer, Samastipur.
3. Revenue Officer, Samastipur.
4. Dy. Collector of Land Reforms Patori Samastipur.
5. Sub Divisional Officer, Patori, Samastipur.
6. Anchal Adhikari Patori, Samastipur.
7. District Magistrate, Samastipur.
8. Dy. Collector Land Reforms Samastipur.
9. B.D.O. Patori (Block Development Officer), Patori, Samastipur.
10. Manoj Kumar Ray Son of Shiv Nandan Ray Resident of Village- Jori Pokhar, P.S. & Anchal& Sub-Division- Patori, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha-1, Adv.
For the Respondent/s : Mr. Md.N.H.Khan -Sc1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 20-06-2018

Heard learned counsel for the petitioner and the respondent-State.

The petitioner is aggrieved by a notice dated 26.03.2018, issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), as contained in Annexure-1, by the Respondent No.6, the Circle Officer, Patori, in Encroachment Case No.9 of 2017-18, whereby, the petitioner has been directed to submit his show cause by 13.04.2018 with regard to alleged encroachment made by him over the land appertaining to Plot No.372, Khata No.161, situated P.S.-Patori, District - Samastipur, failing which,



the proceeding has been directed to proceed *ex parte*.

It is submitted by learned counsel for the petitioner that the petitioner comes under BPL category and the land in question was settled with her on which she has constructed her house under the Indira Awas Scheme. But the notice, contained in Annexure-1 under Section 3 of the Act has been issued against her for filing of show cause.

In view of this Court, until the final order under Section 6(1) of the Act is passed, the petitioner cannot agitate her right before this Court. Hence, this Court is not inclined to interfere into the matter, at present.

Moreover, against the final order passed under Section 6(1) of the Act, the petitioner has the remedy of appeal under Section 11 of the Act.

In the circumstances, the writ application is disposed of with a liberty to the petitioner to agitate her grievance before the appropriate forum.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

