

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18806 of 2018

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Musafir Prasad son of Chandrika Yadav resident of village - New Area Yodha
Nagar, P.O. + P.S. Aurangabad, District Aurangabad ... Petitioner

Versus

1. The State of Bihar through the District Magistrate cum Collector,
Aurangabad.
 2. The Sub-Divisional Officer, Aurangabad.
 3. The Circle Officer, Block & District – Aurangabad ... Respondents
- =====

Appearance :

For the Petitioner : Mr. Yugal Kishore, Adv.

For the Respondents : Mr. Sajid Salim Khan, SC XXV

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 11-10-2018 The petitioner has come against the notice under Section 3 of the Bihar Public Land Encroachment Act, 1956, and though prays for a direction to the Circle Officer, Aurangabad, to remeasure the alleged encroachment portion of the boundary wall of the house, but, Mr. Sajid Salim Khan, SC XXV, invites the attention of the Court to the report of the Circle Ameen, at Annexure 2, which records the measurement carried out by the respondents and has not yet been disputed by the petitioner anywhere as a contesting position. The writ petition also does not enclose any response to the notice at Annexure 1.

In our opinion, the circumstances, noted, it is for the petitioner to discharge his obligation under the notice and satisfy the Circle Officer with a purposeful reply to Annexure 1 rather



than rushing to this Court.

The petitioner would appear before the Circle Officer, Aurangabad, along with a copy of this order and file his reply to the notice, at Annexure 1, whereafter the Circle Officer will dispose of the matter in accordance with law bearing note of the complaint made by the petitioner on the correctness of the alleged measurement carried out, at Annexure 2, which he says, is without notice and in his absence.

This application is disposed of with the directions/observations, above.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Shamshad/-

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