

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6982 of 2017

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Arvinda Kumar Singh @ Arvinda Singh Son of Yogendra Singh, Resident of
Village- Kharsand, P.S. Chakmehshi, District- Samastipur.

... .. Petitioner/s

Versus

1. The Collector, Samastipur
2. The Deputy Collector, Land Reform, Samastipur.
3. The Circle Officer Kalyanpur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kr. Jha
	:	Mr. Sushil Kr. Jha
	:	Mr. Bam Bahadur Jha
For the Respondent/s	:	Mr. Birendra Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-08-2019 The learned counsel for the petitioner submits that without passing order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, the Circle Officer, Kalyanpur, Samastipur has issued a notice dated 21.02.2017 for vacating the alleged encroachment made over the public land.

The Court is of the opinion that till the Circle Officer passes final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, he cannot direct for removal of the encroachment.

At this juncture, the learned counsel for the petitioner submits that the petitioner has already filed objection to the said notice dated 21.02.2017, hence the same be considered for the



purpose of passing of the final order.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with a direction to the Circle Officer, Kalyanpur, Samastipur to pass final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 in connection with case no. 6 of 2016-17 after consideration of the objections filed by the petitioner herein. It is needless to state that till the passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, no coercive step shall be taken by the Circle Officer, Kalyanpur, Samastipur.

At this juncture, the learned counsel for the petitioner submits that the petitioner would be filing supplementary objections within two weeks from today. Let the same be done.

(Mohit Kumar Shah, J)

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