

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2243 of 2019

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Ganesh Das, Son of Late Ramrup Das, Resident of Village- Sultanpur, P.O.-
Sultanpur, Police Station- Desri, District- Vaishali (Hazipur)

... .. Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar,
Secretariat Campus, Patna, Bihar.
2. District Magistrate-cum-Collector, Hazipur, District- Vaishali.
3. Sub Divisional Officer, Mahnar, District- Vaishali.
4. Circle Officer, Sahdei Bujurg, District- Vaishali.
5. Diler Ali Khan, Principal or Head Master, Primary Urdu School, Circle, P.O.
and P.S. Sahdei Bujurg, District- Vaishali.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Sanjeev Kumar Jha, Advocate.
For the Respondents : Mr.Subash Chandra Yadav, G.P. 15.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The present writ application has been filed by the
petitioner for issuance of a writ of certiorari for quashing the
letter and order dated 03.08.2017 and notice dated 20.09.2018,
issued by the Circle Officer, Sahdei Bujurg, District-Vaishali,
issued upon the petitioner under Section 3 of the Bihar Public
Land Encroachment Act, 1956 and Encroachment Case No. 02
of 2016-17 has been started illegally and unlawfully and further
for issuance of a writ of Mandamus for direction commanding
the respondents or for issue notice for calling upon the
respondents or private respondents and directing to pass order in



accordance with law and Rule. Orders/notice under challenge are Annexure-2 series to the present writ application.

It has been submitted by learned counsel for the petitioner that a notice dated 20.09.2018 has been issued by the respondent no. 4 i.e. The Circle Officer, Sahdei Bujurg, Vaishali, under Section 3 of the Bihar Public Land Encroachment Act in Encroachment Case No. 02 of 2016-17.

There is nothing on record to show that in compliance of the said notice, the petitioner had appeared before the respondent no. 4 i.e., The Circle Officer, Sahdei Bujurg, Vaishali, with the documents/reply on 01.10.2018.

Considering the relief sought for in the present writ application, the petitioner is directed to appear on 08.03.2019 at 11.30 A.M. in the office of the respondent no. 4 i.e., The Circle Officer, Sahdei Bujurg, Vaishali, alongwith relevant documents/reply in compliance of Section 4 of the Act. The respondent no. 4 i.e., The Circle Officer, Sahdei Bujurg, Vaishali, shall fix the date for hearing in compliance of Section 5 of the Act after issuing notice to all concerned parties and giving adequate opportunity of hearing, and pass an appropriate order under Section 6 of the Act within a period of three months from the date of appearance i.e. 08.03.2019.



With the aforesaid observations and directions, the
present writ application stands disposed of.

(Sudhir Singh, J)

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