

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4553 of 2019

Prasadi Yadav S/o Indardev Yadav Resident of Village Pateya, Anchal and
P.S. Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
3. The Collector-cum- District Magistrate, Gaya.
4. The Land Reforms Deputy Collector, Gaya.
5. The Sub Divisional Magistrate, Gaya.
6. The Superintendent of Police, Gaya.
7. The Circle Officer, Fatehpur, Gaya.
8. Officer-in-Charge, Fatehpur Police Station, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh
For the Respondent/s : Mr.Sajid Salim Khan (SC25)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-03-2019 Heard the parties.

In the present writ application, the petitioner has prayed for quashing the notice dated 19-12-2018 issued by the Circle Officer, Fatehpur, Gaya under Section 3 of Bihar Public Land Encroachment Act, 1956 in Case No. 13/2018-19 and further notice dated 07-01-2019 for suo motu removal of encroachment till 22-01-2019 against the petitioner in respect of Khata No. 61, Thana No. 611, plot No. 1019 situated/constructed by encroaching the public road on the ground that the petitioner's ancestral land is situated just behind the said road and he has been residing thereon since the date of independence prior to the cut of date i.e. 10th October, 1955 as



decided by this Hon'ble Court by order dated 09-09-2005 passed in CWJC No. 6285/2005 (Mangru Singh and others versus the State of Bihar)

The petitioner has further prayed for stay the operation of notice dated 19-12-2018 and 07-01-2019 and further notice, if any.

It has been submitted on behalf of the petitioner that the case of the petitioner is squarely covered by the order dated 25-02-2019 passed in CWJC No. 3544 of 2019.

Considering the above, the petitioner is directed to comply with the provision of Section 4 of the Bihar Public Land Encroachment Act, 1956 and file objection before the concerned authority within a period of 30 days from today. The concerned respondent-authority shall grant opportunity of hearing as provided under Section 5 of the Act and thereafter shall pass final order under Section 6 of the Act in accordance with law.

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

(Sudhir Singh, J)

A.K.V.//-

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