

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19276 of 2018

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Ramchandra Rai S/o Late Ram Nilam Rai, R/o Vill- Kudhwa Toli Kothiya, P.
O.-Janardanpur, P.S.-Chakmehasi, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Land Reform Department, Govt. of Bihar, Patna.
2. The District Magistrate Samastipur.
3. The Sub-Division Officer, Samastipur.
4. The Circle Officer Kalyanpur, Samastipur.
5. The Sub-Divisional Public Grievance redresses Officer, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar
For the Respondent/s : Mr.Smt.Binita Singh -Sc28

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-09-2019 The present writ petition has been filed for quashing the notice dated 22.05.2018 issued by the Circle Officer, Kalyanpur, District- Samastipur in connection with Encroachment Case No. 1 of 2018-19, whereby and whereunder the petitioner has been directed to remove the encroachment in question.

The learned counsel for the petitioner submits that without passing any final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, the aforesaid notice dated 22.05.2018 has been issued to the petitioner.

I have heard the learned counsel for the parties and I



find that the appropriate course would be to grant liberty to the petitioner to approach the Circle Officer, Kalyanpur, District Samastipur in connection with Encroachment Case No. 1 of 2018-19 by filing an appropriate objection within a period of four weeks from today, whereafter the Circle Officer, Kalyanpur, District Samastipur shall pass final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

It is needless to state that in case no objection is filed within a period of four weeks from today, the Circle Officer, Kalyanpur, District Samastipur shall be free to pass an ex-parte order.

Till passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, status quo existing as on today shall be maintained.

It is pertinent to mention here that the Circle Officer, Kalyanpur, District Samastipur shall not be prejudiced by any order passed by any other State authority, while deciding and passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

(Mohit Kumar Shah, J)

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