

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7260 of 2019

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Noor Mohammad, son of Morjan Ali, Resident of Village Gosaipur, P.O. -
Sikatiya, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Katihar, District - Katihar.
2. The Collector, Katihar, District - Katihar.
3. The Anchaladhikari, Aajamnagar, District - Katihar.
4. The Anchaladhikari-cum-Collector under Bihar Privileged Persons Home
State Tenancy, Act.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Veena Kumari Jaiswal, Advocate
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioner and the State.

The petitioner has approached this Court for quashing
of the notice issued in Encroachment Case No. 12 of 2017-18.

The Court is of the view that at the stage of issuing
notice, liberty is available to the petitioner to file his reply and
persuade the authority to accept his version in the pending
Encroachment case.

Judicial review at the stage of issuance of notice is
uncalled and it is pre-mature. According, the writ application is
disposed of with liberty to the petitioner to file reply to the
notice and it is obligatory on the part of the Circle Officer,
Azamnagar, Katihar to take appropriate decision after



considering the reply of the petitioner in the pending Encroachment Case No. 12 of 2017-18, if not already taken.

So far as the prayer of the petitioner for grant of Basgit Parch is concerned, liberty shall be available to the petitioner to approach the competent authority, who shall consider the representation of the petitioner and pass appropriate order on the claim of the petitioner for issuance of Basgit Parcha.

It is made clear that this Court has not expressed any opinion on the merit and it is obligatory on the part of the competent authority to pass appropriate order without being influenced by any observation made in this case.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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