

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12014 of 2019**

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1. Gupteshwar Singh Son of Late Kamta Singh Resident of Village Shivanagar, Madhopur, P.S. Tekari, District- Gaya.
  2. Pramod Singh Son of Late Birendra Singh Resident of Village Shivanagar, Madhopur, P.S. Tekari, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through District Magistrate, Gaya.
2. Circle Officer Tekari, District- Gaya.
3. Officer -in- Charge Tekari, P.S.- Tekari, District- Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar  
For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      18-06-2019                      Heard learned counsel for the petitioners and the  
counsel appearing on behalf of the State.

Petitioners have approached this Court against the notice under section 6(2) of the Bihar Public Land Encroachment Act dated 09.05.2019 the Circle Officer Tekari, Gaya has directed the petitioners to remove the encroachment over Plot No. 896 and 880 by 27.05.2019.

Learned counsel for the petitioners submits that without opportunity of hearing and without measurement the respondents have taken steps and directed to remove the encroachment. He submits that petitioners should be provided opportunity of hearing.



With reference to Annexure-2 he submits that on 21.02.2019 notice was issued fixing 09.08.2019 as the date for appearance and before 09.08.2019 the respondent Circle Officer, Tekari, Gaya has issued notice under section 6(2) of Bihar Public Land Encroachment Act. Such action of the respondent is illegal and arbitrary and contrary to the principles of natural justice.

Considering the aforesaid, the writ petition is disposed of with a direction to the respondent Circle Officer, Tekari, Gaya to provide personal hearing to the petitioners on or before 09.08.2019 and thereafter, the Circle Officer, Tekari, Gaya is required to pass appropriate final order on consideration of all materials and documents submitted by the petitioners in support of his case.

It is made clear that until final order passed by the Circle Officer, Tekari, Gaya after hearing the petitioners, the respondents shall not take any steps for removal of alleged encroachment.

With the aforesaid, the present writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

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