

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12567 of 2019

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1. Kanchan Sao Son of Gupteshwar Sao, Resident of Village- Rampur, P.S. Jamhore, District- Aurangabad.
 2. Nadgeo Paswan, Son of Ganauri Paswan, Resident of Village- Rampur, P.S. Jamhore, District- Aurangabad.
 3. Pachiya Devi, Wife of Bhikham Deo Paswan, Resident of Village- Rampur, P.S. Jamhore, District- Aurangabad.
 4. Bhukhali Kunwar Wife of Bisundeo Ram, Resident of Village- Rampur, P.S. Jamhore, District- Aurangabad.
 5. Mahipat Sao, Son of Gajadhar Sao, Resident of Village- Rampur, P.S. Jamhore, District- Aurangabad.
 6. Sanjay Ram, Son of Bisundeo Ram, Resident of Village- Rampur, P.S. Jamhore, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District-Officer-Cum-District Magistrate, District- Aurangabad.
3. The Deputy Collector, Land Reforms, Aurangabad.
4. The Sub-Divisional Officer, Aurangabad, District- Aurangabad.
5. The Circle Officer, Sadar Aurangabad, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Dubey
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-07-2019 Today, the learned counsel for the respondents has taken instructions and has informed this Court that no final order under Section 6 of the Bihar Public Land Encroachment Act, 1956 has been passed in the pending Encroachment Case No. 14/18 of 2019 inasmuch the petitioner and other encroachers have not co-operated and have not appeared before



the Circle Officer, Aurangabad, despite the notices having been issued to them.

Nonetheless, on account of non- appearance of the encroachers, the impugned notice dated 10.05.2019, directing the petitioner to remove the encroachment over the concerned land, has been issued by the Circle Officer, Aurangabad.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with a direction to the petitioner to appear before the Circle Officer, Aurangabad on 15th July, 2019 at 10.30 A.M. and file his written defence so that the Circle Officer, Aurangabad can take a final decision under Section 6 of the Bihar Public Land Encroachment Act, 1956 within a period of eight weeks thereafter.

It is made clear that till the final order is passed under Section 6 of the Bihar Public Land Encroachment Act, 1956, no coercive steps shall be taken against the petitioner herein.

(Mohit Kumar Shah, J)

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