

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7286 of 2016

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Firoz Alam son of Late Moniruddin, resident of village- Bishunpur
Mahanand, P.S. Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Muzaffarpur
3. The Senior Deputy Collector-cum-Incharge Pulic Grievance Cell,
Muzaffarpur
4. The Circle Officer, Kanti, District- Muzaffarpur
5. Faiz Ali son of Nurul Hoda, resident of village Bishunpur Mahanand, Police
Station- Kanti, district- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mahasweta Chatterjee
For the State	:	Mr. Umesh Narayan Dubey, AC to GP-27
For the Respondent No. 5	:	Mr. Rajesh Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-08-2019 The present writ petition has been filed for quashing

the notice dated 7.12.2014 issued by the Circle Officer, Kanti,

Muzaffarpur under Section 6(2) of the Bihar Public Land

Encroachment Act, 1956 on the ground that without either

issuance of notice under Section 3 of the Bihar Public Land

Encroachment Act, 1956 or without passing any final order

under Section 6 of the Bihar Public Land Encroachment Act,

1956, the said notice dt. 7.12.2014 has been issued.

The learned counsels appearing for the respondents

have not been able to demonstrate that the Circle Officer, Kanti,

Muzaffarpur has passed any final order under Section 6 of the

Bihar Public Land Encroachment Act, 1956.



In such view of the matter, the notice dated 7.12.2014 issued by the Circle Officer, Kanti, Muzaffarpur in Encroachment Case No. 3 of 2014-15 is quashed, however, with liberty to the petitioner / respondents to file their respective objections in the aforesaid encroachment case bearing Encroachment Case No. 3 of 2014-15 within a period of four weeks from today whereupon the Circle Officer, Kanti, Muzaffarpur, after considering the said objections, shall pass necessary final order under Section 6 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, Kanti, Muzaffarpur shall be free to pass ex parte order under Section 6 of the Bihar Public Land Encroachment Act, 1956.

Last but not the least, it is pertinent to mention here that the Public Grievance Cell, Muzaffarpur has got no powers under the provisions of the Bihar Right to Public Grievance Redressal Act, 2015 to interfere in encroachment matters.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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