

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15839 of 2019

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Arun Kumar Singh Son of Sri Jagdish Prasad Singh Resident of Village-
Malinagar, P.S.- Chak Mehshi, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Rural Development Department,
Govt. of Bihar, Patna.
2. The Collector-cum- District Magistrate Samastipur.
3. The Circle Officer Kalyanpur, District- Samastipur.
4. The Birendra Sah Son of Baleshwar Sah Resident of Malinagar, P.S.- Chak
Mehasi, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Singh
For the Respondent/s : Mr.Vinay Kirti Singh (GA-2)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-08-2019 The present writ petition has been filed for quashing

the notice dated 22.10.2018 issued by the Circle Officer,

Kalyanpur, District-Samastipur in connection with

Encroachment Case No. 9 of 2018-19, directing the petitioner

to remove the encroachment in question.

Having regard to the facts and circumstances of the
case, this Court finds that without granting opportunity of
hearing to the petitioner herein, or of filing objection, the
aforesaid notice dated 22.10.2018, has been issued for removing
the encroachment which is clearly violative of the principles of
natural justice.

In such view of the matter, the petitioner is granted



liberty to file his objection regarding the land in question being his private land before the Circle Officer, Kalyanpur, District-Samastipur within a period of four weeks from today, whereupon the Circle Officer, Kalyanpur, District-Samastipur shall consider the said objection and pass the final order under Section 6 of the Bihar Public Land Encroachment Act, 1956 (hereinafter to be referred as the '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 at liberty to pass ex parte order.

Till the passing of the final order under Section 6 of the Act 1956, status quo existing as on today, shall be maintained with regard to the plot in question.

(Mohit Kumar Shah, J)

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