

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16675 of 2019

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Braj Nandan Singh @ Braj Nandan Pd. Singh Son of Devendra Prasad Singh
Resident of Village Hakikatpur, P.O. and P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector-cum- District Magistrate Patna, District- Patna.
3. The S.D.O., Barh District- Patna.
4. The Circle Officer Bakhtiyarpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.S. Dvivedi, Sr. Advocate Mr. Parth Gaurav, Advocate Mr. S. Mishra, Advocate Mr. A.R. Singh, Advocate
For the Respondent/s	:	Mr. A. Prasad, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-08-2019 The present writ petition has been filed challenging the notice dated 25.5.2017 passed by the Circle Officer, Bakhtiyarpur, Patna, as also the notice dated 18.5.2019 issued by the Circle Officer, Bakhtiyarpur, Patna for removal of the encroachment in question in connection with Encroachment Case No. 2 of 2017-18.

The learned counsel for the petitioner submits that the aforesaid impugned notice dated 18.5.2019 has been issued by the Circle Officer, Bakhtiyarpur, Patna without considering the objection of the petitioner, which he has already filed, as also without passing any final order under Section 6(1) of the Bihar



Public Land Encroachment Act, 1956.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with liberty to the petitioner to file objections with a period of four weeks from today whereupon the Circle Officer, Bakhtiyarpur, Patna shall pass appropriate final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after considering the objections so filed by the petitioner.

It is needless to state that in the meantime, status quo shall be maintained till the passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, however, in case, no objection is filed within a period of four weeks from today, the Circle Officer, Bakhtiyarpur, Patna shall be free to pass ex parte order.

(Mohit Kumar Shah, J)

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