

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17041 of 2019

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Mithilesh Kumar Singh @ Tinku Singh (Male), aged about 41 years, S/o
Binay Singh Resident of Marni, P.o.- Morma, P.s.- Rajaun, Distt.- Banka
... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
 2. The Principal Secretary Revenue and Land Reforms, Bihar, Patna
 3. Collector Banka
 4. Sub Divisional Public Grievance Redressal Office Banka
 5. Anchal Adhikari Rajaun, Banka
 6. Office in Charge P.s. Rajaun, Distt.- Banka
 7. Paras Nath Singh S/o Late Ram Jatan Singh
 8. Umesh Kumar Singh S/o Paras Nath Singh
 9. Ravi Kumar Singh S/o Umesh Kumar Singh
- All respondents no, 7, 8 and 9 are resident of Vill.- Marni, P.o.- Morma, P.S.-
Rajaun, Distt.- Banka
- Respondents

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Appearance :

For the Petitioner/s : Mr. Anshuman Singh, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-08-2019 Heard learned counsel for the parties.

The present writ petition has been filed seeking to challenge the notice dated 7.5.2019 issued to the petitioner herein by the Circle Officer, Rajaun, District Banka, wherein it is the allegation of the petitioner that without passing any final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 the petitioner has been directed to remove the encroachment in question.

Learned counsel for the petitioner submits that the petitioner would be filing an objection within a period of four



weeks from today, whereupon, the Circle Officer, Rajaun be directed to take steps for measurement of the land in question in order to ascertain as to whether there is any encroachment over the public land.

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 an objection before the Circle Officer, Rajaun, District Banka in connection with Encroachment Case No. 10/2018-19 within a period of four weeks from today, whereupon the Circle Officer, Rajaun shall hold measurement of the area in dispute, in presence of the petitioner and all the concerned parties and pass final orders under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

It is made clear that in case no objection is filed by the petitioner within a period of four weeks from today, the Circle Officer, Rajaun shall be free to pass ex-parte orders.

In the meantime, status quo, existing as on today, shall be maintained till passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

The writ petition stands disposed of on the aforesaid terms.

Surendra/-

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(Mohit Kumar Shah, J)

