

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16642 of 2019

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Shambhu Singh @ Shambhu Sharma Son of Mundrika Sharma, Resident of
Village-Paranpur, P.S.-Belaganj, District-Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Magadh Division, Gaya.
2. The District Magistrate, Gaya.
3. The Additional District Magistrate Cum Second Appellate Authority (public Greivance Redressal), Gaya.
4. The Sub Divisional Magistrate Cum 1st Appellate Authority (Public Greivance Redressal), Gaya.
5. The Circle Officer, Belaganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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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 1.8.2019 issued by the Circle Officer, Belaganj, Gaya in connection with Encroachment Case No. 10 of 2017-18 whereby and whereunder the petitioner has been directed to remove the encroachment in question.

The learned counsel for the petitioner submits that without either giving any opportunity of hearing or an opportunity to file any objection, as also without passing any final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, the impugned notice dated 1.8.2019 has been issued to the petitioner to remove the encroachment in question.



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, Belaganj, Gaya 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, Belaganj, Gaya shall be free to pass ex parte order.

(Mohit Kumar Shah, J)

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