

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23762 of 2018

Ram Balak Paswan Alias Balak Paswan Son of Dular Paswan Resident of Village Mor part in Mokamah, P.S- Mokamah, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Collector of The District, Patna.
3. Deputy Collector, Land Reforms, Barh, Patna.
4. Block Development Officer, Mokamah, Patna.
5. Panchayat, Secretary, Mor Panchayat, Mokamah, Patna.
6. Mukhiya, Mor Panchayat, Mokamha, Patna.
7. Circle Officer, Mokamah, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Respondent/s : Mr.Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-08-2019 The present writ petition has been filed for quashing the first notice dated 28.09.2018, the 2nd notice dated 20.10.2018/15.10.2018 and the third notice dated 15.11.2018/16.11.2018, issued by the Circle Officer, Mokamah in connection with Encroachment Case No. 01 of 2016-17.

The learned counsel for the petitioner submits that since the petitioner is a poor labourer, he could not file objection, pursuant to the notices issued under Section 3 of the Bihar Public Land Encroachment Act, 1956, however, it is submitted that liberty be granted to the petitioner to file an objection against the said notices, which shall be done by the petitioner within a period of four weeks from today.

At this juncture, it may be pertinent to note that nothing has been shown by the respondents to suggest that any final order



has been passed under Section 6 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956').

Having regard to the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to approach the Circle Officer, Mokamah (Patna) and file an objection within a period of four weeks from today in connection with Encroachment Case No. 01 of 2016-17, which shall be considered by the Circle Officer, Mokamah in accordance with the provisions contained in the Act, 1956 and final orders under Section 6 of the Act, 1956, shall be passed.

It is needless to state that in case no objection is filed by the petitioner within a period of four weeks from today, the Circle Officer, Mokamah, shall pass ex parte orders.

Till the passing of the final order by the Circle Officer, Mokamah under Section 6 of the Act, 1956, status quo existing as on today, shall be maintained.

(Mohit Kumar Shah, J)

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