

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22345 of 2019

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Ajay Kumar, son of Late Arjun Prasad Singh, resident of Village- Samyagarh,
Police Station- Ghoswari, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner, Patna Division, Patna.
2. The Collector, Patna.
3. The Deputy Collector, Patna.
4. The Sub-Divisional Officer, Patna Sadar, Patna.
5. The Deputy Collector Land Reforms, Patna.
6. The Circle Officer, Ghoswari, District- Patna.
7. Sanjay Prasad Singh, son of Kedra Prasad Singh, resident of Village and
Post Office- Samagadh, Police Station- Ghoswari, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kr. Mishra, Adv. Mr. Angad Kunwar, Adv.
For the State	:	Mr. Mukul Prasad, AC to GP-18
For Respondent No. 7	:	Mr. Pramod Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 28-01-2020 Heard learned counsel for the parties.

2. This writ application was registered on 14.11.2019. It transpires from the records that it was filed on 22.10.2019, when a copy of the writ application was served in the office of the learned Advocate General.

3. The petitioner is aggrieved by an order dated 28.09.2019, passed in Encroachment Case No. 02 of 2019-20 by the Circle Officer, Ghoswari in the district of Patna whereby he has issued notice to the petitioner for removal of



encroachment, according to the petitioner, without considering his objection in that regard.

4. Counter affidavits have been filed on behalf of the Respondents-State of Bihar. Order-sheet of Encroachment Case No. 02 of 2019-20 has been brought on record, from which it appears that by an order dated 24.10.2019, the Circle Officer has himself stayed the process of removal of encroachment till a decision is taken on a recommendation for cancellation of *Jamabandi* standing in the name of the petitioner. It appears that at the time of filing of this application the petitioner was unaware of the said order of the Circle Officer dated 24.10.2019.

5. Learned counsel appearing on behalf of respondent no.7, at whose instance the encroachment proceeding has been initiated, submits that the petitioner has supplied incorrect information to the Circle Officer in respect of the land, which is different from the land in question, based on which the order of the Circle Officer has been passed on 24.10.2019.

6. In view of the order dated 24.10.2019, cause of action does not survive. It will be open to petitioner to approach this Court if situation so requires, in future.



Respondent no. 7 shall be at liberty to bring to the notice of the authorities in the proceeding under the Bihar Public Land Encroachment Act, 1956 or the proceeding which has been initiated for cancellation of *Jamabandi* in respect of the land in question, his point of view.

7. This application stands disposed of with the above mentioned observations.

(Chakradhari Sharan Singh, J)

Rajesh/-

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