

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25685 of 2019

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Shri Shri Thakur Radha Krishnaji, installed in Thakurbari situated at Mohalla Karnalganj, P.S. Alamganj, P.O. Gulzarbagh District Patna, through Pujari cum Shebait Mahanth Onkarnath Tripathy age about 73, Male, Chela of Late Mahanths Krishnadeo Das @ Krishnadeo Tripathy. Mohalla Karnalganj, P.S. Alamganj, P.O. Gulzarbagh District Patna, Pin Code 800007.

... .. Petitioner

Versus

1. The State of Bihar, through Collector Patna District Patna.
2. The Chief Engineer Ganga Bridge Project Patna, Bhisewar Bhawan Opp. New Secreteriate , Patna P.S. Schivalya District Patna.
3. The Supertending Engineer Ganga Bridge Project Patna southern circle Gulzarbagh P.S. Alamganj District Patna P.C. 800007.
4. The Circle Officer, Patna Block Office District Patna P.S. Pirbahore.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Gopal Jee
For the Respondent/s : Mrs. Archana Prasad, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-01-2020 This writ application is being claimed to have been filed on behalf of Shri Shri Thakur Radha Krishnaji, installed in Thakurbari situate at Mohalla Karnalganj, P.S. Alamganj, in the district of Patna, through main Chela of Late Mahanth Krishnadeo Das @ Krishnadeo Tripathy-cum-Pujari-cum-Shebait, namely, Mahanth Onkarnath Tripathy. The petitioner is aggrieved by action initiated by the Circle Officer for removal of encroachment with the issuance of notice under Section 3(2) of the Land Encroachment Act, 1956. An encroachment case has been instituted by Case No. 15 of 2019-20 in the Court of Circle Officer, Patna Sadar. The notice was issued on 10.08.2019 and



the petitioner was required to submit his explanation by 18.08.2019. The petitioner claims that he has filed his explanation/show-cause in response to the said notice dated 10.08.2019. The so-called show cause reply/explanation, said to have been filed by the petitioner, a copy of which has been brought on record by way of Annexure-6 to the writ application, does not show the date when it was filed nor does it show that it was received in the office of the Circle Officer or not.

Learned counsel appearing on behalf of the petitioner has submitted that till date the said Encroachment Case No. 15 of 2019-20 has not been concluded and despite that, the officials are threatening the petitioner of his dispossession from the land in question in the name of removal of encroachment.

Be that as it may, if the petitioner has filed his show-cause reply/explanation pursuant to the notice under Section 3(2) of the Act dated 10.08.2019, the Circle Officer is duty bound to proceed in accordance with law for concluding the encroachment case. If the encroachment proceeding has not been concluded so far, the Court would expect the same to be concluded within a period of one month from the date of receipt/production of a copy of this order. If the said proceeding has already been concluded with the passing of an order or



issuance of notice under Section 6(2) of the Act, the petitioner shall have liberty to file appeal in accordance with law before the competent authority.

This writ application stands disposed of with the above observations.

(Chakradhari Sharan Singh, J)

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