

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11734 of 2021

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Ravi Choudhary @ Ravi Kumar Son of Late Ramashish Choudhary, Resident of Village-Shahargama (Dhamitole) P.O. and Police Station-Parihar, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Revenue and Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Sitamarhi.
3. The District Superintendent of Police, Sitamarhi.
4. The Circle Officer, Block and Anchal Parihar, District Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate Mr. Virendra Kumar, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam (AAG-12) Ms. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 28-07-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance of the writ in the nature of arbitrary of any other appropriate writ, for quashing of the notice dated 26.03.2021 passed in Encroachment Case No. 03 of 2020-21 issued under the



provision of Section 6(2) of the Bihar Public Land Encroachment Act, 1956, by the Circle Officer of Parihar Circle (Block), District-Sitamarhi, whereunder and whereby the petitioner has been directed to remove the encroachment from the Plot No. 208, area 17 decimal situated in Thana No. 125 village-Sahargama (Dhami Tola), Police Station & Circle-Parihari, District-Sitamarhi, which land is not public/Govt. Land, rather it is the purchased and raiyati land of the petitioner.

- (ii) *For issuance of the appropriate direction to prohibit and constrain the State respondents from taking any action against the petitioner or his aforesaid lands, unless and until the State respondents declare their title by the decree of appropriate court over that and, also until and unless the Circle Officer, dispose of the mutation application of the petitioner in respect of land in question dated 11.02.2021 bearing Mutation Case No. 12392-R27/2020-21”.*

The learned counsel for the respondent-State Ms. Nutan Sahay, AC to AAG-12 submits that if the petitioner files an objection before the concerned Circle Officer, he would definitely pass an order.

Having regard to the facts and circumstances of the



case, the present writ petition stands disposed of with liberty to the petitioner to file appropriate objection before the Circle Officer, Parihar Circle, District-Sitamarhi in the pending Encroachment Case No. 03 of 2020-21 within a period of four weeks from today whereafter the Circle Officer, Parihar Circle, District-Sitamarhi shall pass appropriate orders, in accordance with law.

It is needless to state that till the passing of an appropriate order by the Circle Officer, Parihar Circle, District-Sitamarhi, on the objection to be filed by the petitioner, status quo existing as on today, shall be maintained. It is further clarified that in case no objection is filed by the petitioner within a period of four weeks from today, the status quo order shall stand vacated.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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