

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2181 of 2022

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Bijay Kumar Son of Late Wazir Prasad Resident of Mohalla - Bhaisasur, PS
Laheer District- Nalanda. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Revenue and Land Reforms
Department Government of Bihar.
2. The Collector, Nalanda.
3. The Circle Officer, Bihar Sharif Circle, Nalanda.
4. The Chief Executive Officer, Bihar Sharif Corporation, Bihar Sharif, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-08-2022 Though the present writ petition has been filed for quashing the notice dated 24.12.2021 issued by the Circle Officer, Bihar Sharif at Nalanda i.e. respondent no. 4 under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956'), in connection with Encroachment Case No. 6 of 2021-22, however, a counter affidavit has been filed by the respondent-State wherein it has been admitted that no final order under Section 6(1) of the Act, 1956 has been passed till date though the petitioner has appeared before the respondent no. 4 and filed his show cause reply.

At this juncture, the learned counsel for the petitioner submits that the petitioner be granted liberty to file additional show cause reply in the ongoing Encroachment



Case No. 6 of 2021-22 and till the final order is passed, some protection be granted to the petitioner.

The learned counsel for the respondent-State has got no objection.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to the petitioner to file additional Show cause reply before the respondent no. 4 within a period of four weeks from today whereupon the respondent no. 4 shall pass appropriate orders under Section 6(1) of the Act, 1956 within a period of 12 weeks thereafter, taking into consideration the fact that the Jamabandi of the plot in question, which was created in favour of the petitioner, way back in the year 1975, is still existing.

It is needless to state that status quo existing as on today, shall be maintained till the final order is passed by the respondent no. 4 under Section 6(1) of the Act, 1956.

(Mohit Kumar Shah, J)

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