

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4655 of 2020

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1. Sitaram Yadav S/o Narayan Gope resident of Village- Kusumaha, P.s.- Chandauti, District- Gaya
 2. Kedar Prasad Yadav S/o Tulsi Yadav resident of Village- Kusumaha, P.s.- Chandauti, District- Gaya
 3. Bhushan Yadav S/o Tulsi Yadav resident of Village- Kusumaha, P.s.- Chandauti, District- Gaya
 4. Gajendra Yadav S/o Tulsi Yadav resident of Village- Kusumaha, P.s.- Chandauti, District- Gaya
 5. Jitendra Yadav S/o Tulsi Yadav resident of Village- Kusumaha, P.s.- Chandauti, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Gaya
2. TheCollector, Gaya
3. TheAdditional Collector, Gaya
4. The Circle Officer, Nagar, Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 12-08-2022 Though the present writ petition has been filed for setting aside the notice issued by the Circle Officer, Nagar, Gaya i.e. the respondent no. 4 in Encroachment case no. 33 of 2019-20 as also the subsequent notice issued by the respondent no. 4, whereby and whereunder notice under ***Section 6(2) of Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”)*** has been issued for removal of the encroachment in question but the learned counsel for the



petitioner has submitted that since the final order under ***Section 6(1) of the Act, 1956*** has not been passed till date, the respondent no. 4 be directed to pass the same, after considering the show cause reply of the petitioner, which is annexed as Annexure 5 to the present writ petition.

The learned counsel for the respondent- State submits that the aforesaid show cause reply of the petitioner shall definitely be considered by the respondent no. 4 and accordingly, final order under ***Section 6(1) of the Act, 1956*** shall be passed, expeditiously.

Accordingly, the present writ petition stands disposed off with a direction to the respondent no. 4 to consider the aforesaid show cause reply filed by the petitioner and pass final orders under ***Section 6(1) of the Act, 1956***, in accordance with law in the aforesaid Encroachment case no. 33 of 2019-20. Till the final order is passed, it is directed that *status quo*, existing as on today *qua* the house of the petitioner, shall be maintained.

(Mohit Kumar Shah, J)

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