

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5220 of 2022

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Raj Kumar Fogla son of Late Satya Narayan Fogla, Resident of Main Road
Arya Samaj Chowk, Khagaria, Police Station- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum- Collector, Khagaria.
3. The Circle Officer, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh, Adv.

For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-11-2022 Though, the present writ petition has been filed for quashing the notice dated 28.02.2022, issued in connection with Encroachment Case No. 03 of 2021, by the Circle Officer, Khagaria i.e. the respondent no. 3, however, it is the submission of the learned counsel for the petitioner that the petitioner has already filed a reply stating therein that earlier also an encroachment proceeding was initiated by the respondent no.3, but the same was dropped inasmuch as it was found that the land in question was not a public land but a raiyati land of the petitioner, on which the petitioner is stated to be residing since the year 1930, hence, a direction be issued to the respondent no.3 to consider the aforesaid aspect of the matter and pass a final order under Section 6(1) of the Bihar Public Land



Encroachment Act, 1956.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with a direction to the respondent no.3 to consider the reply/objection filed by the petitioner in response to the notice dated 28.02.2022, as also take into account the fact that an encroachment proceeding was initiated earlier against the petitioner but the same has been dropped and thereafter, pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 and till then status quo, existing as on today, qua the land/house of the petitioner shall be maintained.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/Saurav

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