

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10134 of 2022

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Ganesh Sah son of Ganga Sah resident of Village-Khanpur Doktha, P.O.-Parsa, P.S.-Hathauri, Out Post-Shivaji Nagar, District-Samastipur, Pin Code-847105.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar.
2. The Collector-cum-District Magistrate, Samastipur.
3. The Sub-Divisional Officer, Rosera, Samastipur.
4. The Circle Officer, ShivajiNagar, Samastipur.
5. Manoj Kumar Sah, S/o Upendra Sah, Village-Khanpur Doktha, P.O.-Parsa, P.S.-Hathauri, Out Post-Shivaji Nagar, District-Samastipur, Pin Code-847105.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amaresh Kumar Sinha
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc 19)
		Mr. Saurabh Kumar, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-08-2022 In pursuance to the earlier order of this Court dated 27.7.2022, a counter affidavit has been filed by the Respondent-State, which is taken on record.

Though the present writ petition was filed for quashing the proceedings pertaining to Encroachment Case No. 2/2020-2021, initiated by the Circle Officer, Shivaji Nagar, Samastipur i.e. the Respondent No. 4, however, from the counter affidavit filed by the State today, it has transpired



that the Respondent No. 4 has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 on 8.6.2022 and held the petitioner to be an encroacher of the public land, hence, the learned counsel for the petitioner prays that the petitioner be granted liberty to challenge the aforesaid order dated 8.6.2022 by filing appropriate appeal.

Having regard to the facts and circumstances of the present case, the present writ petition stands disposed of with liberty to the petitioner to file an appeal challenging the aforesaid order dated 8.6.2022 passed by the Respondent No. 4 and in case, appropriate appeal is filed within a period of four weeks from today, no coercive action shall be taken against the petitioner till the disposal of the said appeal, to be filed by the petitioner.

(Mohit Kumar Shah, J)

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