

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20435 of 2021

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Shiv Nandan Bhagat Son of Late Baso Bhagat, Resident of Village - Paharpur,
Ward No. 3, P.S. - Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Acquisition Department, Bihar, Patna.
2. The Principal Secretary, National Highway Department, Bihar, Patna.
3. The Collector Cum District Magistrate, Saharsa.
4. The District Land Acquisition Officer, Saharsa.
5. The Executive Engineer, National Highway Division, Saharsa.
6. The Sub-Divisional Officer, Simri Bakhtiyarpur Sub-Division, Simri Bakhtiyarpur, District - Saharsa.
7. The Circle Officer, Simri Bakhtiyarpur Circle, Simri Bakhtiyarpur, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ratan Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-08-2022 Though the present writ petition has been filed to quash the proceedings in connection with Encroachment case no. 02 of 2019-20, initiated by the Circle Officer, Simri Bakhtiyarpur Circle, Simri Bakhtiyarpur, District – Saharsa i.e. the respondent no. 7, however relying upon the order ***dated 28.07.2022***, passed in ***C.W.J.C. no. 20131 of 2021***, the learned counsel for the petitioner has contended that no order has been passed under ***Section 6(1) of the Bihar Public Land Encroachment Act, 1956***, till date, hence, it is submitted that



the petitioner be granted liberty to approach the respondent no. 7 to enable him to file his objections/ show cause reply and the respondent no. 7 be directed to pass final orders under ***Section 6(1) of the Act, 1956.***

The learned counsel appearing for the respondent- State submits that in case, appropriate objection is filed within a stipulated time frame, appropriate order shall be passed thereon, expeditiously.

Accordingly, the present writ petition stands disposed off, however with liberty to the petitioner to file objections/ show cause reply before the respondent no. 7 in the aforesaid Encroachment case, within a period of four weeks from today, whereupon the respondent no. 7 shall consider the same and pass final order under ***Section 6(1) of the Act, 1956,*** within a period of twelve weeks, thereafter. It is needless to state that for a period of sixteen weeks from today, *status quo* existing as on today, shall be maintained.

(Mohit Kumar Shah, J)

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