

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.949 of 2019

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Sonadhari Ram @ Sonadhari Prasad Son of Late Shiv Chandra Ram @
Shivchandra Prasad @ Nanha Mutan Rajak Resident of Village- Itwa, P.S.-
Shahpur, Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Land Reforms and Revenue Bihar at Patna
2. The Collector, Bhojpur at Arrah
3. The D.C.L.R. Jagdishpur District- Bhojpur
4. The Circle Officer, Behiya, Dist- Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque
For the Respondent/s : Mr.Dhurjati Kumar Prasad, G.P. 14

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-07-2022 Though, the present writ petition has been filed for quashing the notice dated 29.10.2018, issued by the Circle Officer, Behiya, Bhojpur in Encroachment Case No. 03 of 2008-2009, but it is the submission of the learned counsel for the petitioner that without serving any show cause notice or passing any final order u/s 6(1) of the Bihar Public Land Encroachment Act, 1956, straightway the aforesaid notice u/s 6(2) of the Act, 1956 has been issued directing the petitioner to vacate the dwelling house in question, which is not denied by the learned counsel for the respondent State, as is also apparent from the counter affidavit filed in the present case, hence, it is the prayer of the petitioner that the petitioner be granted liberty to file appropriate show cause reply and after considering the



same, the Circle Officer, Behiya, Bhojpur be directed to pass final order under section 6(1) of the Act, 1956.

The learned counsel appearing for the Respondent State, Shri Dhurjati Kumar Prasad, G.P.14 submits that in case the petitioner files a show cause reply to the aforesaid notice 29.10.2018, the Circle Officer, Behia, Bhojpur shall definitely consider the same and pass appropriate order under section 6(1) of the Act, 1956.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of with liberty to the petitioner to file appropriate reply to the show cause notice within a period of four weeks from today before the Circle Officer, Behiya, Bhojpur in the aforesaid Encroachment case, which shall be considered by the Circle Officer, Behia, Bhojpur in accordance with law and the final order shall be passed under section 6(1) of the Act, 1956.

It is needless to state that till the final order is passed under section 6(1) of the Act, 1956, status quo existing as on today shall be maintained.

(Mohit Kumar Shah, J)

Tiwary/-

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