

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12552 of 2017

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Ashok Sah Son of Late Lalit Sah, Resident of Village- Banhara, P.S.-
Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Banka.
3. The S.D.O., Sadar, Banka.
4. The D.C.L.R., Banka.
5. The Circle Officer Anchal Adhikari, Amarpur Anchal, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Jha, Advocate
For the State : Mr.Sajid Salim Khan -Sc25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-04-2023 The present writ petition has been filed
seeking the following reliefs:-

*"(i) to issue a writ, rule or
direction particularly a writ in the nature
of certiorari to quash the Notice issued
by Circle Officer, Amarpur issued under
Section 3 of Bihar Public Land
Encroachment Act, 1956 on 10.9.2016 in
Form-1 (Annexure-2) whereby the
petitioner has been directed to vacate
the land of Mauza Banbara, Thana no
328, Khata No 177, Khesra No 1323 area
entire house and shop (not mentioned
the area of land) when the aforesaid
land has already settled in favour of the*



father of Petitioner in long back and a Title Suit No 87 of 1998 is also going on between the Petitioner and the State of Bihar for the aforesaid lands.

(ii) To issue a further writ in the nature of mandamus directing and commanding the respondents to restore the possession of the petitioner on the aforesaid land which they have forcefully dispossessed whereas in terms of this Hon'ble Court's order passed in C.W.J.C.No 15767/2016, others SO called encroachers in whose lands also been vacated have been put in possession."

At the outset, the learned counsel for the respondent-State has submitted that the Circle Officer, Amarpur, District- Banka, has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 on 14.10.2016 in connection with Encroachment Case No.4 of 2016-17, hence, in case the petitioner is aggrieved by the same, he can prefer an appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956 before the appellate authority.



Accordingly, the present writ petition stands disposed off, however, granting liberty to the petitioner to take recourse to such remedies, as are otherwise available under the law, for redressal of his subsisting grievance, if any.

(Mohit Kumar Shah, J)

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