

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1393 of 2023

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Ramashankar Dubey Father of Raj Nath Dubey Resident of Gram- Akauni,
Mion, District- Kaimur at Bhabua, Bihar- 821101.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabhua.
3. The Circle Officer, Rampur, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Priyajeet Pandey, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-10-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1(i)For setting aside order dated 01.11.2022 (contained in Annexure 1 of the present writ petition) passed by the Circle Officer, Rampur (Respondent No.3) in Encroachment Case No. 01/2016-17 whereby and where under the Circle Officer, Rampur has held that the petitioner has encroached upon public land bearing Khata No. 100, Khesra No. 180, Rakwa No. 52.5, 187.2, 582.7, 938.4, 2332, 237.5 square feet, Mauja - Akauni, Thana No. 744, Belaon, Dist- Kaimur and had further directed the petitioner to remove the encroachment by 17.11.2022 failing which the encroachment would be removed by the Government using



force, at the cost of petitioner.

ii. For refraining the respondent authorities, specifically respondent no. 3 not to proceed with the specific direction to remove the alleged encroachment during the pendency of the present writ application.”

2. At the outset, the learned for the respondent-State seeks to file a counter affidavit, which is taken on record, wherein it has been submitted that no final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, has been passed, in connection with Encroachment Case No.01 of 2016-17, hence it is submitted that the petitioner may file his objections, which shall be considered and only then the Circle Officer, Rampur, District-Kaimur at Bhabhua, shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file his objections, in connection with the aforesaid Encroachment Case No.01 of 2016-17, before the Circle Officer, Rampur, District-Kaimur at Bhabhua, within a period of four weeks from today, whereupon the Circle Officer, Rampur, District-Kaimur at Bhabhua, shall consider the same and pass



the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law, within a period of four weeks, thereafter and till then status quo existing as on today qua the land/house of the petitioner in question shall be maintained.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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