

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2173 of 2023

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Sochindra Giri @ Sachindra Giri @ Suchindra Giri Son of Late Mangal Giri,
resident of village - Mian Bairo @ Miyan Bairo, P.S. Bhagwanpur, P.O. -
Hansicable, District - Vaishali, State of Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Vaishali at Hazipur.
3. The Additional District Magistrate- Cum-Collector, (Revenue), Vaishali at Hazipur.
4. The Land Reforms Deputy Collector, Lalganj, Vaishali.
5. The Sub-Divisional Magistrate, Lalganj, Vaishali.
6. The Circle Officer, Bhagwanpur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-10-2023 The present writ petition has been filed
seeking the following reliefs:-

*“1. (i) For quashing the notice dated
26/12/22 U/s 6(2/3) of Bihar Public
Land Encroachment Act, 1956
issued by the Circle Officer,
Bhagwanpur, Vaishali and served to
the petitioner on 12.01.2023,
whereunder the cut off date of
removal of household articles was
fixed dated 16.01.2023, otherwise it
is directed that encroachment will*



be demolished forcefully and expenses will be recovered from the (petitioner) in respect of dwelling house of landless petitioner standing prior to independence of the time of the grandfather (Sukhdeo Giri @ Surajdeo Giri) of petitioner, his father and his three brothers Sachindra Giri, Birehandra Giri and Brij Kishore Giri as such in the light of order dated 09/09/2005 passed in C.W.J.C. No. 6285 of 2005 reported in 2005(4) P.L.J.R. 654 (Mangru Singh and others Versus The State of Bihar & Ors.) the encroachment proceeding is fit to be quashed and your Lordships may be directed accordingly to quash in respect of land bearing mauza Miyan Bairo, Thana No.316, Khata No.367, Area 0.2½ decimal.

(ii) For stay the proceeding of demolition during the pendency of writ petition since the notice U/s 6(2/3) of Bihar Public Land Encroachment Act, 1956 is malafide and in collusion with other local futile brain.”



2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the final order dated 16.01.2023 and 06.02.2023 passed by the Circle Officer, Bhagwanpur, District-Vaishali in connection with Encroachment Case No. 3 of 2019-20, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty, so sought, is granted.

3. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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