

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3018 of 2023

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Abhay Kumar Rai S/o Late Stanand Rai @ Sadanand Ray, Resident of
Village-Gopalpur, P.S. Hathua, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, New Secretariat, Patna.
2. The District Magistrate, Gopalganj.
3. The Executive Engineer, Building Construction Division, Gopalganj,
4. The Circle Officer, Anchal-Hathuwa, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anurag Saurav, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 25-07-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for quashing of the order dated 22.11.2022 passed by Circle Officer, Anchal Hathuwa, District Gopalganj whereby and whereunder the petitioner was directed to vacate the premises situated at Mauza Gopalpur, Thana-1011, Khata No.24, Khesra No.82 area 50 decimals and also to quash the Office order bearing Memo No.1362 dated 24.11.2022 issued by Circle Officer, Hathuwa which are annexed as Annexure No.8 & 9 to the writ petition.

3. Learned counsel for the State submits that the



order dated 22.11.2022 is an order passed in compliance of the order dated 02.08.2022 passed in C.W.J.C. No.3624 of 2018 and this is a legislative direction of the Court and, therefore, demand of the petitioner to quash the said notice is bad and it cannot be quashed. He further submits that order dated 24.11.2022 is an office order which has been made in compliance of order dated 02.08.2022 passed in C.W.J.C. No.3624 of 2018, therefore, both the orders may not be quashed or even stayed.

4. Upon going through the pleadings and upon hearing the parties, this Court is of the view that in the order dated 22.11.2022 passed by the Circle Officer, Anchal Hathuwa, District Gopalganj and in the Office order bearing Memo No.1362 dated 24.11.2022 issued by the Circle Officer, Hathuwa, Gopalganj which is under challenge before this Court, the concerned officer have categorically mentioned about the order dated 02.08.2022 passed in C.W.J.C. No.3624 of 2018 which is annexed as Annexure No.6 to this writ petition. In the said order there is a categorical direction of this Court which are as follows:-

“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 objections / show cause reply before the Respondent No. 4, within a period of four weeks from today, to the aforesaid notice dated 16.2.2018 and in case, such a reply is filed, the same shall be considered and final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 shall be passed thereon forthwith. It is needless to state that till the final order is passed by the Respondent No. 4, status quo, existing as on today, shall be maintained.

The writ petition stands disposed of on the aforesaid terms.”

5. In the light of the observation made by this Court in C.W.J.C. No.3624 of 2018, this Court is of the opinion that there is no need to interfere in the order dated 22.11.2022 passed by Circle Officer, Anchal Hathuwa, District Gopalganj and in the Office order bearing Memo No.1362 dated 24.11.2022 issued by Circle Officer, Hathuwa, Gopalganj and, therefore, this writ petition is **dismissed** with liberty to the petitioner that he may raise his grievances before the appropriate forum



available to him under law.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	2707/2023
Transmission Date	NA

