

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2882 of 2023

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Jaynath Mahto S/o Visheshwar Mahto, Resident of Safipur Bhidha, P.S.
Mednichowki and District Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Planning and Development Department, Bihar, Patna.
2. The Principal Secretary, Planning and Development Department, Bihar, Patna.
3. The Collector, Lakhisarai.
4. The Anchal Adhikari, Suryagadha Anchal, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raja Surendra, Advocate.

For the State : Mr. Rewti Kant Raman, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-05-2023

Heard Mr. Raja Surendra, learned counsel for the petitioner. The State is represented by Mr. Rewti Kant Raman, learned counsel.

By invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India the petitioner has approach before this Court by filing the present writ application seeking quashing of the general notice



contained in letter no.275 dated 31.01.2023 issued by the Circle Officer, Suryagarha Anchal, directing him to remove the encroachment over the Plot No. 257, 379, 436 at Mauza Tazpur Deodhara.

Pursuant to the direction of this Court a counter affidavit has been filed on behalf of the Respondent Nos.3 and 4. A categorical averment has been made that final order has already been passed under Section 6 (1) of the Bihar Public Land Encroachment Act in the Encroachment Case No.9/2019-20 and if the petitioner feels aggrieved by the order dated 02.03.2021, he may assail the same. However, the petitioner has never chosen to assail that order till date. He next submitted that other aggrieved persons had approach before the Appellate Authority and their appeals have already been rejected vide Annexure-C to the counter affidavit.

At this juncture, learned counsel for the petitioner submits that the petitioner also undertakes to file appropriate appeal against the final order passed by the Circle Officer before the Appellate Authority. Hence, he prays for four weeks time to prefer the appeal before the District Magistrate, Lakhisarai and till that time the status quo, shall be maintained.



In view of the submissions made on behalf of the petitioner and considering the materials on record the present writ application stands disposed of with a liberty to the petitioner to avail the remedy of appeal as provided under the Act against the final order passed by the Circle Officer. It is further observed that till filing of the appeal or upto four weeks from today there status shall be status quo as of today.

(Harish Kumar, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.05.2023
Transmission Date	NA

