

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3317 of 2023

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Surendra Tiwari Son of Ramashish Tiwari Resident of Village- Khira, Police Station- Chenari, District- Rohtas, At Present- Rauja Road, Gramin Bank Colony, P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Rohtas.
3. The Additional District Magistrate (Revenue), Sasaram, Rohtas.
4. The Block Development Officer, Chenari, Rohtas.
5. The Circle Officer, Chenari, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar,Adv.
For the Respondent/s	:	Mr.Md. Khurshid Alam,AAG-12
		Mr.Asif Kalim,AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2023 The present writ petition has been filed seeking the following relief:-

“1.That, by way of this writ petition this petitioner craves indulgence of this Hon’ble Court for the issuance of a writ in nature of certiorari to quash notice dated 09.01.2023 issued in Encroachment Case No.09 of 2022-23 under the signature of Respondent No.5 whereby and whereunder it has been directed to remove the alleged encroachment made in respect of plot 431 as there is no encroachment made



by the petitioner and further for the issuance of the writ in the nature of mandamus or the appropriate writ, order or orders, direction or directions commanding the respondent authorities not to disturb the petitioner in their peaceful possession of their own building at their own land in respect of Thana No.442, Plot No.429 situated at Mouza-Khaira within district of Rohtas which has been constructed over more than three decades and the petitioner also prays for the other consequential relief if any for which the petitioner is entitled under the law.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Chenari, District-Rohtas, for the purposes of filing his objection/show cause reply, in connection with Encroachment Case No. 09 of 2022-23. Liberty so sought is granted.

It is needless to state that in case the petitioner files appropriate objection/show cause reply within a period of four weeks from today, the



Circle Officer, Chenari, shall consider the same, in accordance with law, and pass appropriate orders under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, forthwith, and till then, status quo existing as on today, qua the land/house of the petitioner in question, shall be maintained.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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