

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9706 of 2021

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Dinanath Jha Son of Late Kusheshwar Jha Resident of Village- Udapatti,
Bathua Buzurg, Samastipur, Bihar- 848127.

... .. Petitioner/s

Versus

1. The District Magistrate, Samastipur.
2. The C.O. Sarai Ranjan, Samastipur.
3. The Commissioner, Laheriasarai, Darbhanga.
4. The B.D.O., Sarairanjan, Samastipur.
5. The Officer Incharge, Mushari Gharari, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Archana Sinha, Advocate

For the Respondent/s : Mr

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 25-07-2023 1. The present writ petition has been filed
seeking the following reliefs:-

*“(i) For quashing of notice dated 17.
02. 2021 issued by Circle Officer Saral
Ranjan, Samastipur.*

*(ii) For quashing of notice dated 02.
02. 2018 issued by Circle Officer,
Sarai Ranjan, Samastipur in
Encroachment Case No.10 of 2017-
18.*

*(i) For a stay of the encroachment
proceeding till passing the final order*



in the encroachment case.”

2. At the outset, the learned counsel for the respondent-State has referred to the counter affidavit filed in the present case to submit that an encroachment case bearing Encroachment Case No.10 of 2017-18 has been initiated by the Circle Officer, Sarai Ranjan and only notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 has been issued to the petitioner, hence the present writ petition is premature.

3. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file his objections/reply before the Circle Officer, Sarai Ranjan, Samastipur in connection with Encroachment Case No.10 of 2017-18, within a period of four weeks from today. Liberty so sought is granted.

4. It is needless to state that in case appropriate objection/reply is filed before the Circle Officer, Sarai Ranjan, Samastipur in connection with Encroachment Case No.10 of 2017-18, within a period of four weeks from today, the same shall



be considered by the Circle Officer, Sarai Ranjan, Samastipur, in accordance with law and a final order shall be passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, forthwith.

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

(Mohit Kumar Shah, J)

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