

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17057 of 2013

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Bodh Gaya Math Nyash Samiti, Bodh Gaya, Gaya, through its Mahanth Sudarshan Giri, Chela Of Late Mahanth Jagdish Nand Giri, Bodh Gaya, P.S- Bodh Gaya, Distt- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate- Cum- Collector, Gaya.
3. The Sub Divisional Magistrate, Gaya.
4. The Circle Officer, Bodh Gaya, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Siddharth Harsh
For the Respondent/s : Mr.Sanjay Kr No.1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

10 27-02-2023 The present writ petition has been filed
seeking the following reliefs:-

1(i). For issuance of an appropriate writ/order/direction including a writ in the nature of certiorari for quashing the order dated 10.08.2013 passed in Case No. 74/2013-14 by the learned Circle Officer, Bodh Gaya whereby and whereunder without issuing any notice to the petitioner and without any show cause final order under Section 6(2) of the Bihar Public Land Encroachment Act has been passed against the petitioner directing him to vacate the lands in question by 26.08.2013;



(ii). For issuance of an appropriate writ, order or direction including a writ in the nature of mandamus commanding the respondent authorities to forebear from proceeding against the structures on plot nos. 1511, 1513, 1514 and 1516 appertaining to Khata Nos. 507 & 509 of Mouja- Mastipur, Bodh Gaya and for restraining them from making any demolition therein and for a direction commanding them to proceed only in accordance with the procedure established by law;

(iii). For issuance of an appropriate writ, order or direction holding the respondent authorities liable under the Public Law and for taking suitable steps against them as may be deemed fit & proper in the facts and circumstances of the case for securing the ends of justice.”

At the outset, the learned Senior Counsel for the petitioner submits that the petitioner be granted liberty to challenge the final order, passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 by the Circle Officer, Bodh



Gaya, Gaya, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty, so sought, is granted.

It is needless to state that in case, appropriate appeal is filed within a period of four weeks from today, the appellate authority shall consider the same on merits, without being impeded by the issue of limitation and pass a reasoned and a speaking order, in accordance with law, upon also taking into account all the issues to be raised by the petitioner in the appeal, including that of the petitioner having right, title and interest in the property apart from considering the various orders passed by this Court and till the final order is passed, status quo, existing as on today qua the shops / premises in question, shall be maintained.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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