

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9648 of 2022

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Jyotish Singh Son of Lal Bihari Singh @ Lalu Prasad Singh Resident of
Village - Ward No. 7 , Village- Korchakka, Police Station - Naugachia,
District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenues
Department, Government of Bihar, Patna.
2. The Collector, Bhagalpur.
3. The Sadar Divisional Magistrate, Naugachia in the District - Bhagalpur.
4. The Deputy Collector Land Reforms, Naugachia in the District - Bhagalpur.
5. The Circle Officer, Naugachia in the District - Bhagalpur.
6. Brajesh Kumar Son of Brahmdeo Singh, Resident of Village - Korchakka,
Police Station - Naugachia, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate.
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25.
		Mr. Arif Daula Siddizui, AC to SC-25.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 15-05-2023

Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and Mr. Arif Daula Siddizui, learned AC to SC-25
for the State.

The present writ application has been filed seeking
a direction upon the respondents, especially Respondent No.5
to drop the Encroachment Case No. 07/21-2022 and further
for a direction to the Respondent No.2 to issue Basgit Purcha
in favour of the petitioner and others, who were residing on
the land in question since 1975.



In compliance to the order dated 27.04.2023, a counter affidavit duly sworn by the Respondent No.2/the District Magistrate, Bhagalpur had been filed today in the Court and the same has been taken on record.

With reference to the averments made in the counter affidavit, submission has been made that in the light of the order of this Court, a three members committee has been constituted, who submitted their report and in the light thereof, the Circle Officer, Naugachia, Bhagalpur, has passed final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956. It is also submitted that as per the aforenoted report, notices have also been served in both form 1 and 2 and from perusal of the case record, it appears that encroachers have been given sufficient time and opportunity to file their response.

Furthermore, the petitioner is not a land less persons, having land in Mauza Pakra and Mauza Pratap Nagar. Hence, he is also otherwise not entitled to seek any Basgit Purcha.

The aforesaid submission of the State is refuted by the learned counsel for the petitioner.

Be that as it may be, the final order has already



been passed by the Circle Officer, Naugachia, Bhagalpur.

The present writ application stands disposed of with a liberty to the petitioner to take proper remedy against the order of the Circle Officer, Naugachia, Bhagalpur in appropriate proceeding.

(Harish Kumar, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2023
Transmission Date	NA

