

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9802 of 2023

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Raj Kumar @ Raj Kumar Malakar Son of Late Ayodhya Prasad, Resident of Shishu Sadan School, Khazanchi Road, P.O.- Bankipore, P.S. Pirbahore, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Additional Collector, Patna.
4. The Sub-Divisional Officer, Patna Sadar, District- Patna.
5. The Circle Officer, Patna Sadar, District- Patna.
6. Aghor Praksah Shishu Sadan, Khazanchi Road, Patna P.O.- Bankipore, P.S. Pirbahore, District-Patna through its President Dr. Dilip Kumar Sinha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Onkar Kumar, Adv.
For the Respondent/s : Mr.Rishi Raj Sinha (SC- 19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-08-2023 The present writ petition has been filed seeking the following relief:-

“1) That this is an application for issuance of an appropriate writ(s), order(s) for quashing of the order dated 19.05.2023 passed and issued under the signature of Respondent no.5 in Encroachment case No.28/2022-23 whereby and whereunder petitioner has been directed to vacate his house within ten days. And further for issuance of an appropriate writ(s), order(s) for quashing of notice dated 19.05.2023 issued by the Respondent no.5 u/s 6(2) of the Bihar Public Land Encroachment Act, 1956 to the petitioner whereby and whereunder he has been directed to vacate his house before 04.06.2023 failing which he will be liable to be punished under section 188 (XLV)



of the Indian Penal Code.

And/or

Pass such other order(s) as Your Lordships may deem fit and proper in the facts and circumstances of the case. And during the pendency of this writ petition may stay the operation of order dated 19.05.2023 passed by Respondent no.5 as well as notice dated 19.05.2023 issued by Respondent no.5 to the petitioner under section 6(2) of the Bihar Public Land Encroachment Act.”

After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the final order dated 19.05.2023, passed by the Circle Officer, Patna Sadar, District-Patna, in connection with Encroachment Case No.28 of 2022-23 by filing appropriate Appeal. Liberty so sought is granted.

It is needless to state that the Appellate Authority shall examine the appeal, to be filed by the petitioner, strictly, in accordance with law, without being prejudiced by any other consideration or any other order passed by any authority.

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

(Mohit Kumar Shah, J)

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