

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10604 of 2023

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Dhaneshwar Yadav son of Brahamdev Yadav, Resident of Village-Sosa
Nemath, P.S.-Atri, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Additional Collector, Gaya.
5. The Deputy Collector Land Reforms, Gaya.
6. The Circle Officer, Neemchak Bathani Anchal, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-08-2023 The present writ petition has been filed seeking the
following relief:-

“1.(I) To issue an appropriate order/s, direction/s including a writ preferably in nature of CERTIORARI for quashing the notice dated 31-05-2023 issued to the petitioner and villagers under section 6 of the Bihar Public Land Encroachment Act issued under the seal and signature of circle Officer, Neemchak Bathani asking them to remove the encroachment from the land appertaining to Plot No. 1382, Thana No. 200, area 0.98 decimal situated at Mauza Odhanpura within Atri police station in the district of Gaya by 23-06-2023.



(II) To quash the notice dated 16-05-2023 issued to the petitioner and villagers under section 3 of the Bihar Public Land Encroachment Act issued under the seal and signature of Circle Officer, Neemchak Bathani asking them to remove the encroachment from the land appertaining to Plot No. 1382, Thana No. 200, situated at Mauza Odhanpura within Atri police station in the District of Gaya and appeared before Circle Officer, Neemchak Bathani by 24-05-2023 at about 11.30 a.m. to file show cause.”

At the outset, the learned counsel for the respondent-State has submitted by referring to the counter affidavit, filed in the present case that the Circle Officer, Neemchak Bathani, District-Gaya, has passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, on 31.05.2023, in connection with Encroachment Case No.25 of 2022-23.

In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to assail the aforesaid order dated 31.05.2023, by filing appropriate appeal. Liberty so sought is granted.

It is needless to state that for a period of four weeks from today, status quo, existing as on today, qua the land/house of the petitioner in question, shall be maintained in order to enable the petitioner to file appropriate appeal, along with a



petition for grant of interim stay.

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

(Mohit Kumar Shah, J)

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