

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12368 of 2023

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Yugal Kishore Singh Son of Late Deoki Singh, resident of Village-Dhansira,
Police Station-Paraiya, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department,
Old Secretariat, Patna.
2. The District Magistrate-cum-collector, Gaya
3. The Circle Officer, Paraiya Anchal, Paraiya, District-Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Prasad, Adv.
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)
		Mr. Atul Shankar, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 03-10-2023

The present writ petition has been filed seeking the
following reliefs:-

“1(i). To issue rule in the nature of certiorari to
quash the notice dated 15.01.2022 (Annexure-P-
4) and notice dated 19.07.2023 (Annexure- P-6)
both issued by the respondent Circle Officer,
Paraiya Anchal, in connection with Encroachment
Case no.2/2021-22, by which the petitioner has
been directed to remove the encroachment from
the land appertaining to Khata No.58, Plot No.2
area 30,400 Sq. feet, Thana no.88, Mauja
-Dhansira, Police Station-Paraiya, Distric Gaya,
failing which action under Section 188 of the
India Penal Code (for short I.P.C.) will be taken
against him.



(ii) To issue rule in the nature of mandamus commanding the respondents not to disturb the peaceful and right possession of the petitioner over the land in question taking advantage of the provision of Section 6(2) of the Bihar Public Land Encroachment Act, 1956.

2. At the outset, the learned counsel for the Respondent-State submits that no order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, has been passed till date.

3. In view of the aforesaid, this Court finds that the notice dated 19.7.2023, issued by the Circle Officer, Paraiya, Gaya, under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 in connection with Encroachment Case No. 2 of 2021-22, is illegal, hence, is quashed, however, liberty is granted to the petitioner to file his objections before the Circle Officer, Paraiya, Gaya, in the aforesaid Encroachment Case No. 2 of 2021-22, within a period of four weeks from today, whereupon, the Circle Officer, Paraiya, Gaya, shall consider the same and pass a reasoned and a speaking order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks, thereafter and till then, status quo, existing as on today qua the land / house of the petitioner herein, shall be maintained.



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

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.10.2023
Transmission Date	NA

