

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18327 of 2022

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Sonamati Kuer w/o late Ghurlet Tiwary Resident of village- Belaon, Anchal-
Rampur, Police Station- Belaon, District- Kaimur (Bhabhua), Pincode- 821101.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Anchal Adhikari Rampur, District- Kaimur (Bhabhua).
3. The Collector Kaimur (Bhabhua).
4. The Officer Incharge Belaon Police Station.
5. The Superintendent of Police Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Achhaibar Singh, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 04-07-2023

1. At the outset, the learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record.

2. The present writ petition has been filed for quashing the notice dated 14.11.2022, issued by the Circle Officer, Rampur, i.e., respondent no.2, in connection with Encroachment Case No.12 of 2017-18, without issuing any notice to the petitioner, however, threatening him with dire consequences, in case he does not vacate the premises/land in question.



3. The learned counsel for the respondent-State has submitted by referring to the counter affidavit, filed by the Circle Officer, Rampur that a notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 (for short 'the Act, 1956') was issued by the Circle Officer, Rampur in connection with Encroachment Case No.12 of 2017-18 to the son of the petitioner, and then a notice under Section 6(2) of the Act dated 24.11.2022 was also issued to the son of the petitioner, namely, Shivpujan Tiwari, however, it has not been denied that no order under Section 6(1) of the Act, 1956 has been passed by the Circle Officer, Rampur till date, hence it is submitted that liberty be granted to the respondents to proceed in accordance with law, afresh. Liberty so sought is granted.

4. At this juncture, the learned counsel for the petitioner fairly submits that the petitioner has already moved the learned civil court by filing a Title Suit bearing Title Suit No.1595 of 2022, which is pending adjudication before the learned Court of



Sub-Judge-V, Bhabhua, hence the petitioner be granted liberty to raise all the issues raised in the present writ petition, before the learned Court of Sub-Judge-V, Bhabhua. Liberty so sought is granted.

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

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.08.2023
Transmission Date	NA

