

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1255 of 2024

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Abhay Kumar @ Udho Singh son of Harishankar Prasad Singh, resident of
Ward No. 21, House No. 67, Near Rowing Club, Bhawanipur Zirat, P.S.-
Chhatauni, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector Cum District Magistrate, East Champaran at Motihari.
3. The Deputy Collector, Land Reforms, Motihari, East Champaran.
4. The Circle Officer, Motihari, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar
For the Respondent/s : Mr.Government Advocate 05

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-10-2024 The present writ petition has been filed for quashing the notice dated 08.12.2023, issued in Encroachment Case No.12 of 2023-24, whereby and whereunder the Circle Officer, Motihari, District-East Champaran, i.e. the respondent no.4 has directed the petitioner to remove the encroachment made over Khesra No.858, situated at Mauza-Belbanwa, P.S.- Chhatauni, District-East Champaran.

2. The learned counsel for the petitioner submits that a perusal of the counter affidavit filed by the respondents would show that no final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has been passed till today,



which has not been refuted by the learned counsel appearing for the respondents.

3. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file his objections/written statement in the aforesaid Encroachment Case No.12 of 2023-24, before the Circle Officer, Sadar, Motihari, within a period of four weeks from today. Liberty so sought is granted.

4. It is needless to state that in case the petitioner files his objections/written statement, within a period of four weeks from today, before the Circle Officer, Sadar, Motihari, in connection with Encroachment Case No.12 of 2023-24, the Circle Officer, Sadar, Motihari, shall consider the same and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks, thereafter and till then no coercive action shall be taken against the petitioner.

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

(Mohit Kumar Shah, J)

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