

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1936 of 2022

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1. Ishan International Public School through its Director, Dr. Arvind Kumar, Malahi Pakari, Patna, P.S.- Patrakar Nagar, District- Patna.
 2. Arvind Kumar @ Dr. Arvind Kumar S/o Late Dashrath Singh Resident of Mohalla- Chitragupt Nagar, Police Station- Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue Dept., Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Sub-Divisional Officer, Patna Sadar.
5. The Circle Officer, Phulwarisharif, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-11-2024 Though the present writ petition has been filed for quashing the notices dated 06.01.2022 and 19.01.2022, issued by the Circle Officer, Phulwarisharif, District-Patna i.e. the respondent no. 5 in connection with Encroachment Case No. 07 of 2021-22, however, the learned counsel for the respondent-State has submitted, at the outset, that it appears that the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956'),



has not been passed, nonetheless, this Court may grant liberty to the petitioners to file their show cause whereupon the respondent no. 5 shall definitely consider the same and pass the final order under Section 6(1) of the Act, 1956, in accordance with law.

2. At this juncture, the learned counsel for the petitioners submits that the petitioners be granted liberty to file fresh objections and till the final decision is taken by the Circle Officer, Phulwarisharif, District-Patna, some protection be granted to the petitioner.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file their objections, before the respondent no. 5, in the aforesaid Encroachment Case No. 07 of 2021-22, within a period of four weeks from today, which shall be considered in accordance with law by the respondent no. 5 and the final order shall be passed thereafter, under Section 6(1) of the Act, 1956 and till then no coercive action shall be taken



against the petitioner.

4. It is needless to state that in case no objection is filed within a period of four weeks from today, the Circle Officer, Phulwarisharif, District-Patna shall, nonetheless, proceed ahead and pass the final order under Section 6(1) of the Act, 1956, *ex parte*.

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

(Mohit Kumar Shah, J)

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