

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3485 of 2020

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Kaushal Kumar Jha @ Kaushalendra Bhartiya Son of Bhavdish Narayan Jha
Resident of Village- Belari @ Jagdishpur Deal, P.S.- Ujiarpur, Distt.-
Samastipur at present Belari House Samastipur, P.S.- Samastipur (Town),
Distt- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Distt. Magistrate Samastipur.
3. The Circle Officer Samastipur Anchal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar No1
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)
		Mr. Atul Shankar, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 22-01-2024 Heard the parties.

2. This application has been filed on behalf of the petitioner for setting aside the notice dated 03.01.2020 passed by the Circle Officer, Samastipur in Encroachment Case No. 56 of 2019-20.

3. One Title Suit No. 07 of 2013 was filed with regard to the plot in dispute on which the petitioner is said to be the alleged encroacher. The title suit was decreed. Against the order passed in the Title Suit, appeal has been preferred vide Title Appeal No. 40 of 2014, 793 of 2014 which has been dismissed on 26.04.2019 and the order of the Title Suit has now been affirmed.



4. In light of the aforesaid facts, the Circle Officer has passed an order dated 31.1.2020 that he will not proceed against the petitioner and one more person and in these circumstances, the apprehension of the petitioner seems to be mis-conceived.

5. No encroachment proceeding shall be initiated against the petitioner for the land in question which was the subject matter of Title Suit No. 7 of 2013 and further proceeding of the Encroachment Case No. 18 of 2022-23 shall also be kept in abeyance.

6. With the aforesaid directions, this application is disposed of.

(Sandeep Kumar, J)

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