

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4772 of 2024

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Basanti Sah @ Basanti Devi Wife of Late Lakshman Sah Resident of Donar
Chauk, Prabhat Colony, Ward No.- 19, P.S.- K. Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Department, Govt. of Bihar, Patna.
2. The Director, Revenue and Land Revenue Deptt, Govt. of Bihar, Patna.
3. The District Magistrate, Purnea.
4. The Sub Divisional Officer, Purnea.
5. The Circle Officer, Purnea East, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.
For the Respondent/s : Mr.Government Pleader (3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 06-08-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). For issuance of writ in the nature of certiorari for quashing of notice dated 25.1.2024, passed in Encroachment Case No. 6 of 2023-24 by Circle Office, Purnea East, Purnea, whereby the petitioner was directed to remove encroachment from the land bearing Plot No. 1191 Part Area 240'x 134' situated in Mohalla-Madhubani, Thana No. 123/1, P.S. K.Hat, District Purnea.

(ii). For issuance of writ in the nature of mandamus commanding the Respondents to not interfere with the peaceful possession of the



petitioner over the aforesaid land bearing plot no. 1191 part, Area 240'x 134' situated in Mohalla Madhubani, Thana No. 123/1 P.S. K.Hat, District Purnea.”

2. At the outset, the learned counsel for the Respondent-State has submitted, by referring to the counter affidavit filed in the present case that the Respondent No. 5 i.e. the Circle Officer, Purnea East, Purnea, has passed the final order dated 04.01.2024, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), which can be found at running page no. 44 of the brief, in connection with Encroachment Case No. 6 of 2023-24, hence, in case the petitioner is aggrieved, she can file an appeal under Section 11 of the Act, 1956.

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 4.1.2024, by filing appropriate appeal under Section 11 of the Act, 1956. Liberty, so sought, is granted.

4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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