

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5381 of 2020

1. Dipak Suman Son of Mahesh Prasad Singh, Resident of Mohalla Vijainagar, Jai Man Durga Hotel, Bahadurpur Housing Colony, Kankarbagh, Police Station Patrakar Nagar, District Patna- 26
2. Sanjay Kumar, Son of Ram Dinesh Sharma, Resident of New Bagrahpur, Mithapur Bus Stand, Police Station Jakkanpur, District- Patna.
3. Serajuddin @ Md. Serajuddin, Son of Late Md. Zahiruddin, Resident of 190, Alba Colony, Ranipur Road, Police Station Phulwarisharif, District- Patna.
4. Kanchan Kumari, Daughter of Sheo Pujan Rai, Resident of South Mandiri, Near Income Tax Golambar, Police Station Budha Colony, District- Patna.
5. Hansraj Kumar, Son of Sheopujan Rai, Resident of Kidwaipuri, near Child Hospital, Police Station Budha Colony, District- Patna.
6. Mohan Kumar, Son of Sitaram Resident of New Pataliputra Police Station Pataliputra ,District- Patna.
7. Devendra Kumar, Son of Kapildeo Singh, Resident of Professor Colony, Mohanpur, Punaichak, Police Station Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, New Secretariat Building, Bailey Road, Patna- 800 001.
3. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Patna, District- Patna.
5. The Collector, Cum District Magistrate, Patna.
6. The Commissioner, Patna Municipal Corporation, C. Block, Second Floor, Maurya Lok, Patna.
7. The Executive Officer, Nutan Rajdhani Circle, Patna Municipal Corporation, Patna.
8. The Circle Officer, Anchal Patna Sadar, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Anjum Akhter, Adv.
For the Respondent/s	:	Mr.Subash Prasad Singh, GA-3
		Mr.Shiv Kumar, AC to GA-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



3 17-10-2024

1. The present writ petition has been filed for quashing the notice dated 28.01.2020, issued by the Circle Officer, Patna Sadar, Patna, i.e. the respondent no.8, in connection with Encroachment Case No.99 of 2019-20.

2. At the outset, the learned counsel for the respondent-State submits that the said notice dated 28.01.2020, has been issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act, 1956'), by the Circle Officer, Patna Sadar, Patna, i.e. the respondent no.8 to the petitioners, hence the petitioners should submit their objections to the same, if any, before the respondent no.8, instead of agitating their grievances here, thus the present writ petition is pre-mature.

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 in the aforesaid Encroachment Case No.99 of 2019-20 within a period of four weeks from today, which shall be considered by the Circle Officer, Patna Sadar, Patna and the final order under Section 6(1) of the Act, 1956 shall be passed, in accordance with law, forthwith, in case the aforesaid encroachment proceedings have not yet been concluded.



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

(Mohit Kumar Shah, J)

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