

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4329 of 2024

Prabhu Narain Sharma @ Paras Sharma Son of Late Ishwar Sharma, Resident
of Village- Berra, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Circle Officer, Masaurhi, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kanishk Kaustubh
For the Respondent/s : Mr.Standing Counsel (24)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-03-2024 Heard the parties.

2. It has been submitted by the learned counsel for the petitioner that the petitioner has appeared and filed his show cause before the Circle Officer, Masaurhi in Encroachment Case No. 2/2023-24 but the same has not been considered and the petitioner is being threatened for removal of alleged encroachment.

3. In the opinion of this Court, no alleged encroachment can be removed without hearing the petitioner and without considering the show cause of the petitioner.

4. The petitioner is directed to bring to the notice of the Circle Officer, Masaurhi the order of this Court and the



circle officer, after hearing the petitioner and after considering the show cause of the petitioner will pass a reasoned order.

5. The Circle Officer, Masaurhi will supply a copy of the final order passed under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 and if the order is passed against the petitioner then the petitioner is given liberty to approach the District Magistrate concerned in appeal within thirty days from the date of the supply of the order.

6. If the petitioner approaches the District Magistrate, Patna in appeal within thirty days from the date of final order under Section 6(2) of the Bihar Public Land Encroachment Act then before taking any action against the petitioner, the Circle Officer, Masaurhi will wait for the final order of the appeal.

7. With the aforesaid directions, this application stands allowed.

(Sandeep Kumar, J)

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