

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7087 of 2024

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Rajeshwar Prasad Son of Late Jagdish Ray Resident of Village- Khedalpura,
P.S. Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Patna.
3. The Additional District Magistrate, (Revenue), Patna.
4. The Deputy Collector, Land Reforms, Danapur, Patna.
5. The Sub Divisional Officer-cum-Sub Divisional Magistrate, Danapur, Patna.
6. The Circle Officer, Bihta, Patna.
7. The Halka Karmhari, concern Circle Office, Bihta, Patna.
8. The Anchal Amin, Circle Office, Bihta, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr.Standing Counsel 7

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-07-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For quashing the entire encroachment proceeding initiated against the petitioner in Encroachment Proceeding Case no.11/ 2023-24 U/s 3,6(2) of the notices dated 25.1.2024 and 27.2.2024 respectively for Land bearing Mauza Khedalpura Thana no.50 Khata "Not mentioned" Khesra no.127 Area 607.87 sq. feet and 1350 sq. feet since the petitioner and their ancestors are residing on the plot and houses in-question at the time cadastral survey (1906-1909) and also prior to



Independence as such the public land Encroachment Act 1956 does not applied with retroscope effect as decided and reported in 2005(4) PLJR 654 in the case of Mangru Singh Vrs. State of Bihar:

(ii) For stay the encroachment proceeding during pendency of case before this Hon'ble Court.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file objection/written statement to the notice, issued by the Circle Officer, Bihta, Patna, dated 27.02.2024, under Section 3 of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.11 of 2023-24. Liberty so sought is granted.

3. It is needless to state that the petitioner shall be at liberty to file his objection, within a period of four weeks from today, which shall be considered by the Circle Officer, Bihta, Patna and then the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, shall be passed, within a period of four weeks, thereafter and till then no coercive action shall be taken against the petitioner.

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

(Mohit Kumar Shah, J)

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