

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14941 of 2014

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Lallu Singh S/o Late Shivnandan Singh resident of Harishchandra Nagar
Konhara, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Circle Officer, Phulwarisharif, District- Patna
3. The Collector, Patna
4. The Officer-in-Charge, Beur Police Station, District- Patna
5. The Officer-in-Charge, Phulwarisharif

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kameshwar Prasad Gupta, Adv.
For the Respondent/s : Mr.V.K.Singh, GA-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 26-06-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1. That this is an application for issuance of an appropriate writ and/or writs for quashing the order contained in Notice dated 10.07.2014 issued by the Anchaladhikari (Circle Officer), Phulwarisharif, Patna (Respondent No.2) so far only this petitioner is concerned in Encroachment case No.05 of 12-13 where by impugned notice has been served containing exparte order asking the petitioner (named at Sl.no. 3 of the impugned notice) to remove the alleged encroachment over Khesra No. 408 and 434 of Thana No.27 on or before 25.08.2014 failing which the same shall be removed forcefully with the help of the Police Forces and shall be liable for a fine of Rs. 20,000/- besides one year imprisonment in accordance with



Land Encroachment (Amended) Act, 2012 AND it is further prayed that the Respondents be restrained from forceful interfering with and demolition of the Pakka-building residential house of the petitioner standing over Khata No. 20, Khesra (Survey plot) no. 460, Tauzi No. 5204, Thana No.27.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file his objections to the notice dated 10.07.2014, issued by the Circle Officer, Phulwarisharif, District-Patna, in connection with Encroachment Case No.5 of 2012-13, in case the lis is still alive. Liberty so sought is granted.

3. It is needless to state that in case appropriate objection is filed by the petitioner, before the Circle Officer, Phulwarisharif, District-Patna, within a period of two weeks from today, the Circle Officer, Phulwarisharif, District-Patna, shall examine the same, in accordance with law and shall forthwith pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in case the same has not yet been passed.

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

(Mohit Kumar Shah, J)

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