

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8425 of 2023

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Bharat Prasad @ Bharat Saw Son of Sri Gopal Sao Resident of Mohalla New Area P.O and P.S and Circle Nabinnagar District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Revenue and Land Reform, Govt. of Bihar, Patna.
2. The District Magistrate Cum Collector, Aurangabad.
3. The Circle Officer, Circle Nabinagar District Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-06-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. That this petition is being filed in the nature of Certiorari for quashing of the notice issued under section 3 of the Bihar Public Land Encroachment Act, 1956 in Encroachment case No. 9 of 2019-20 by the Circle Officer, Nabinagar (Aurangabad) over the Raiyati land of the petitioner without looking into the revenue documents vide notice dated 1.8.2019 and 26.12.22 and State of the Encroachment Proceeding till pendency of the Suit bearing Title Suit no. 89 of 2023 over the same piece of land brought by the petitioner for declaration of title with some other reliefs in which the Respondent no.2 and 3 are defendants.”

2. At the outset, the learned counsel for the petitioner



seeks liberty on behalf of the petitioner to approach the Circle Officer, Nabinagar, District-Aurangabad, by filing his objection to the notice issued under Section 3 of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.09 of 2019-20. Liberty so sought is granted.

3. It is needless to state that in case appropriate objection is filed by the petitioner, within a period of four weeks from today, the Circle Officer, Nabinagar, District-Aurangabad, shall consider the same and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks, thereafter and till then no coercive action shall be taken against the petitioner.

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

(Mohit Kumar Shah, J)

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