

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7812 of 2024

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Jitendra Kumar Singh Son of Lalan Singh Resident of Village- Semraon, P.S.-
Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate-cum-Collector, Bhojpur at Ara.
3. The Additional Collector, Bhojpur at Ara.
4. The Sub Divisional Officer, Piro, District- Bhojpur.
5. The Circle Officer, Charpokhari, District- Bhojpur.
6. The S.H.O. Charpokhari, P.S. Charpokhari, District. Bhojpur.
7. Arun Kumar Singh S/o Vinod Singh Resident of Village- Semraon, P.S.- Charpokhari, District- Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Advocate
For the Respondent/s : Mr.Government Pleader (24)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-06-2024 The present writ petition has been filed
seeking the following relief:-

"1. (i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the notice dated 16.01.2024 as well as 03.04.2024 issued from the office of Circle Officer, Charpokhari, District-Bhojpur in connection with Encroachment Case No. 03/2023-2024 as well as Encroachment Case No.11 of 2022-2023 under section 6(2) of the



Bihar Public Land Encroachment Act 1956 whereby and whereunder the petitioner has been directed to remove the encroachment from the land appertaining to Thana No.282, Plot No.1912/3512 measuring an area 49' x 19' situated in Village- Semraon, P.S.- Charpokhari, District- Bhojpur as such the land in question has been defined public land and comply the order directing for removal of encroachment by 16.01.2024 and 18.04.2024 failing which penalty shall be imposed under section 188 of Indian Penal Code.

(ii) To quash the Final Warning Notice dated 20.04.2024 issued from the office of Circle Officer, Charpokhari in connection with Encroachment Case No.03/2023-24 whereby and whereunder the petitioner has been directed to remove the encroachment from the land in question failing which the same shall be removed forcefully and expenses incurred towards the same shall be released from the petitioner.

(iii) To direct the Circle Officer, Charpokhari to issue certified copy of entire order sheet including final order of Encroachment Case No.3/2023-24 passed under section 6(i) of the Bihar Public Land Encroachment Act, 1956 in



connection with Case No.11/2022-2023 and 03/2023-24."

2. At the outset, the learned counsel for the respondent-State submits, by referring to the counter affidavit filed in the present case, that as far as the petitioner is concerned, Encroachment Case No. 3 of 2023-24 was initiated by the Circle Officer, Charpokhari, Bhojpur at Ara, hence the initiation of Encroachment Case No. 11 of 2023-24 qua him may be ignored. It is directed accordingly.

3. At this juncture, the learned counsel for the petitioner submits that since the Circle Officer, Charpokhari, Bhojpur at Ara has already passed the final order dated 03.04.2024 under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 in connection with Encroachment Case No. 3 of 2023-24, liberty be granted to the petitioner to challenge the same by filing an appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956 and during the interregnum period, some protection be granted to the petitioner, apart from liberty being also granted to the petitioner to



utilize the photo copy of the order dated 03.04.2024, produced by the respondents in the counter affidavit for the purposes of filing the requisite appeal. Liberty, so sought, is granted.

4. It is needless to state that for a period of four weeks from today no coercive action shall be taken against the petitioner in order to enable him to file appropriate appeal and seek interim relief.

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

(Mohit Kumar Shah, J)

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