

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9433 of 2024

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1. Yagya Kishore Mishra @ Jai Kishore Mishra son of Late Ram Chandra Mishra, Resident of village- Labhra, Panchanpur, Police Station- Panchanpur, District- Gaya.
 2. Chandra Kishor Mishra, son of Late Ram Chandra Mishra, Resident of village- Labhra, Panchanpur, Police Station- Panchanpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna.
2. The Collector, Gaya.
3. The Superintendent of Police, Gaya.
4. The Sub Divisional Officer, Tekari, Gaya.
5. The Circle Officer, Tekari, District- Gaya.
6. The SHO, Tekari, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate
For the Respondent/s : Mr.Standing Counsel (7)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-07-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1. A. For issuance of appropriate order/
direction for quashing of notice issued
upon the petitioner under the signature of
Circle Officer, Tekari directing the
petitioners to appear before him in a case
initiated under Bihar Public Land
Encroachment Act, 1956 hereinafter
referred as Land Encroachment Act.
B. For issuance of appropriate order/*



direction upon the respondent authority no. 5 to drop the proceeding initiated under the Land Encroachment Act which is initiated without instituting a proper case filed in this case.

C. For issuance of further order/ direction upon the respondent authorities not to initiate proceeding after proceeding against the petitioner as a few years back the same issues have been settled by the Court of Sub-

Divisional Officer, Tekari vide order dated 15.07.2005 passed in Case No. 24/1994.

D. For issuance of appropriate order/ direction commanding the respondent to protect the life and property of the petitioner which is in danger in hands of local bad elements who are used to roaming in Circle Office as well as around the police station, Tekari for unlawful gain."

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Circle Officer, Tekari, District-Gaya in connection with the encroachment case in question, in which notices have been issued to the petitioners on 02.02.2024 to appear and produce proof regarding right, title and interest in the land in question, by filing their



objections/representations. Liberty, so sought, is granted.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file their objections/representations, within a period of two weeks from today, before the Circle Officer, Tekari, District-Gaya, whereupon he shall consider the same in accordance with law and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of six weeks, thereafter, and till then no coercive action shall be taken against the petitioners.

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

(Mohit Kumar Shah, J)

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