

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10979 of 2024

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Ebrar Khan Son of Late Akhtar Khan resident of mohalla- Aliganj, P.S.-
Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. District Magistrate, Banka.
3. Executive Officer, Nagar Parishad, Banka.
4. Circle Officer, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Harshvardhan Shivsundaram, Advocate
For the Respondent/s : Mr.Government Pleader (2)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-08-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1(i) To issue appropriate direction, order or writ in the nature of Certiorari quashing the second notice issued by respondent no. 3, i.e. Executive Officer. Nagar Parishad, Banka vide letter no. 581 dated 08.06.2024 by which the petitioner has been asked to appear in his office and show cause as to why the encroachment allegedly made by him over plot no. 576, 579 and other plots should not be removed in Encroachment Case No. 02/2023-24.

(ii) To issue appropriate direction, order or writ in the nature of Mandamus directing the respondents not to disturb the right, title and peaceful possession of the petitioner over the



land in question which was purchased by him long back in the year 1980.

(iii) To stay the further proceeding in Encroachment Case No. 02/2023-24 during pendency of this writ application.”

2. At the outset, the learned counsel for the petitioner submits that earlier to the notice dated 08.06.2024, the Executive Officer, Nagar Parishad, Banka had issued a notice dated 17.05.2024, to which the petitioner had filed a detailed reply, which is annexed as annexure P/4 to the present petition, hence the Executive Officer, Nagar Parishad, Banka be directed to consider the same and pass the final orders in the matter.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file fresh objections to the aforesaid notices dated 17.05.2024 and 08.06.2024, before the Executive Officer, Nagar Parishad, Banka, within a period of four weeks from today, alongwith a copy of the present order, whereupon the Executive Officer, Nagar Parishad, Banka shall consider the same and pass appropriate orders thereon, in accordance with law, within a period of six weeks, thereafter and for a period of ten weeks from today, no coercive action shall be taken against the petitioner.



4. Let a copy of the order be communicated to the Executive Officer, Nagar Parishad, Banka by the learned counsel appearing for the respondent-State through the District Magistrate, Banka.

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

(Mohit Kumar Shah, J)

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