

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10562 of 2024

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Jay Kishor Prasad Son of Late Jagat Narayan Prasad @ Jagat Narayan Shah,
Resident of Mohalla- Nuniya Toli Men Road, Near of Mandal nagar, Ward
No. 05, Chakmahila, P.S. and District- Sitamarhi (Bihar)-843302.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Water Resources Department, Bihar.
2. The Joint Secretary, Water Resources Department, Bihar.
3. The Executive Engineer, Bagmati Division, Sitamarhi.
4. The District Magistrate, Sitamarhi.
5. The Circle Officer, Bairgania, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Mishra, Advocate
For the Respondent/s : Mr.Government Pleader 6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-07-2024 The present writ petition has been filed
seeking the following reliefs:-

*"1. (i) For issuance of the order/s,
direction/s or appropriate writ to quash
the notice vide memo no. 782 dated
31.05.2024 as well as notice vide
memo No. 897 dated 24.06.2024
issued by the respondent No. 5 (Circle
Officer, Bairgania, Sitamarhi) to the
petitioner under Section 3 of the Bihar
Public Land Encroachment Act, 1956
with respect to Khata no. 319, Khesra
no. 3764 area 10 decimal belongs to
Plot no. 60 situated at Muaza Jamua,*



Thana No. 84, District-Sitamarhi whereas the said land and Plot No. 61 of the same Mauza, Khata, Khesra, total area 21 decimal were allotted in the name of his father namely Jagat Narayan Sah for rehabilitation being headed of displaced family of Bagmati project in the year 1978 by the Water Resources Department, Bagmati Nagar vide Parcha (Information) dated 25.05.1978.

(ii) For issuance of the order/s, direction to stay over the further proceeding conducted by respondent No. 5 (Circle Officer, Bairgania, Sitamarhi) under proviso Section 3 of the Bihar Public Land Encroachment Act, 1956 against the petitioner with respect to the Khata no. 319, khesra no. 3764 area 10 decimal which belongs to plot no. 60 situated at Muaza-Jamua, Thana No. 84, District-Sitamarhi.

(iii) For issuance of order/s, directions or writ to direct the respondents don't bother peaceful physical possession of the petitioner over the land pertaining to plot no. 60 and 61 belong to Khata No. 319, Khesra no. 3764 total Area 21 decimal situated at Muaza Jamua, Thana No. 84, District-Sitamarhi for more than 45 years and his family is



fully entitled for the same vide Parcha (Information) dated 25.05.1978 issued by Sub-Division Officer, Bagmati Nagar."

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Bairgania, District-Sitamarhi, for the purposes of filing his objection/representation in response to the notice issued under Section 3 of the Bihar Public Land Encroachment Act, 1956, in connection with encroachment case in question. Liberty, so sought, is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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