

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12985 of 2022

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Kapil Paswan Son of Dinanath Paswan @ Vinath Paswan , @ Vinath Dusadh
Resident of Vilage-Bhadaula, P.S.-Kudra, District-Kaimur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector-Cum-District Magistrate, District-Kaimur, Bhabhua.
3. The Sub-Divisional Officer, Kaimur, District-Kaimur Bhabhua.
4. The Circle Officer, Kudra, District-Kaimur Bhabhua.
5. The Consolidation Officer, Kudra, District-Kaimur Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Kumar Bhatnagar, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 26-02-2024 Heard the parties.

2. The petitioner has moved the Court for the
following reliefs:

*“1. That this is an application for
issuance of appropriate writ, especially in
nature of Certiorari, to quash the notice dated
16/06/2022 issued by the Respondent No.- 4,
under section 6(2) of the Bihar Public Land
Encroachment Act, directing the petitioner to
remove encroachment from the plot No.- 972
without considering the facts that the
petitioner's father was purcha holder of 8
decimal land of the concerned plot. While
directing so the respondent No.-4 did not
disclose what area of the plot in question was
found in any measurement to have been
encroached by the petitioner and no case No. of
the concern proceeding has been mentioned
therein.*



Further direction to the respondents not to disturb the petitioner because his house situates in a piece of 8 decimal of land pertaining to Khata No.- 193, Plot No.- 962 under Thana No.- 626, Village- Bhadaula, P.S.- Kudra, District- Kaimur, which had been settled by issuing a Parcha in the name petitioner's father on 14/03/1984 and subsequently his father's name was entered as a Raiyat in pursuant to order dated 18/02/1986 passed by the consolidation officer, Kudra, in Case No.- 35/85-86. Hence the provision of Bihar Public Land Encroachment Act is not applicable in case of the petitioner's plot in question."

3. The petitioner is given liberty to challenge the final order of the Circle Officer passed under Section 6 of the Bihar Public Land Encroachment Act by filing an appeal before the Collector concerned.

4. The petitioner is given liberty to file an appeal within 30 days from today. If such an appeal is filed within 30 days from today then the structure of the petitioner shall not be disturbed till the stay application of the petitioner is heard in appeal.

5. This application is disposed of.

(Sandeep Kumar, J)

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