

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12564 of 2024

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Punna Sharma @ Punna Mistry @ Puna Sharma Son of Late Sita Ram
Sharma @ Late Siya Ram Mistri Resident of village Pachtti, P.S. Bodhgaya,
District Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector Gaya, District Gaya.
2. The District Collector-cum-Appellate Authority. x
3. The Additional Collector (Public Grievances Redressal) -cum- 1st Appellate
Authority, Gaya, District Gaya.
4. The Sub-Divisional Officer-cum-Public Grivance Authority, Gaya.
5. The Circle Officer, Bodhgaya, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Adv.
For the Respondent/s : Mr.Standing Counsel (23)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-08-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.That this application is being filed on behalf of
petitioner for issuance of an appropriate writ in the
nature of Certiorari or any other writ/ writs,
direction/directions to set-aside the order passed by
the Respondent No. 5 in Case No. 8 of 2023-24,
vide order dated 28.06.2024 whereby the
Respondent No. 5 has issued order to the petitioner
to remove alleged encroachment made by the
petitioner in two plots (i) Plot No. 3325 belonging
to Khata No. 1034 and (ii) Plot No. 2791 belonging
to Khata No. 1035 both situated at Bodhaya
appertaining to Thana No. 359, Circle Bodhgaya,*



under section 6(2) of Bihar, Public Land Encroachment Act 1956, (herein after referred as Act) without following mandatory Provisions and without hearing the petitioner, without making measurement of the Government land in presence of petitioner or any other villager and without making proper spot enquiry either by himself or by Circle Inspector or by Government Amin/ Karmchari to ascertain as whether any encroachment is really been made by the petitioner or not, while the petitioner has himself required the resp no.5. and the District collector by submitting written representation to make measurement of Government land.”

2. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to approach the District Magistrate, Gaya, for redressal of his aforesaid grievances. Liberty so sought is granted.

3. It is needless to state that in case appropriate petition is filed by the petitioner, before the District Magistrate, Gaya, within a period of four weeks from today, the District Magistrate, Gaya, shall consider the same and pass a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.



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

(Mohit Kumar Shah, J)

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