

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13368 of 2024

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Sujit Kumar Son of Binod Bihari Prasad, Resident of Village- Lardu, P.S. Mohanpur, District- Gaya presently residing Near Sursha Mandir at Samir Lakya P.S. Gaya, Town District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Additional Collector, Gaya.
4. The Sub-Divisional Officer, Serghati, Gaya.
5. The Deputy Collector (Land Reforms), Sherghati, Gaya.
6. The Circle Officer, Mohanpur, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv.
For the Respondent/s	:	Mr.Standing Counsel (12)
		Mr.Kamlesh Kishore, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-11-2024 1. Though the present writ petition has been filed for restraining the respondents from demolishing the residential structure constructed on a piece of land appertaining to Khata No.337, Plot No.2527, situated at Mauza-Lardu, Mohanpur Circle, District-Gaya, as also for quashing the encroachment proceedings initiated, vide Encroachment Case No.1 of 2023-24, however, at the outset, the learned counsel for the respondent State has not disputed the fact that no notice has been issued to the petitioner, in connection with the aforesaid Encroachment Case No.1 of 2023-24, hence it is submitted that



the petitioner may file his objections before the Circle Officer, Mohanpur, District-Gaya, i.e. the respondent no.6, which shall definitely be considered by the respondent no.6, in accordance with law and the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act, 1956') shall be passed, forthwith.

2. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file his objections before the respondent no.6, nonetheless, seeks a direction upon the respondent no.6 to consider the same, in accordance with law and pass the final order under Section 6(1) of the Act, 1956 and till then, it is prayed that some protection be granted to the petitioner.

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 his objections before the respondent no.6, within a period of four weeks from today, whereupon the respondent no.6 shall consider the same, in accordance with law and pass the final order under Section 6(1) of the Act, 1956, forthwith and till then, no coercive action shall be taken against the petitioner as well as against his uncle, namely Ajay Prasad.



4. It is needless to state that in case no objection is filed by the petitioner, within a period of four weeks from today, the Circle Officer, Mohanpur, District-Gaya, shall nonetheless proceed ahead to pass the final order under Section 6(1) of the Act, 1956, in connection with Encroachment Case No.1 of 2023-24, ex-parte.

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

(Mohit Kumar Shah, J)

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