

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12999 of 2015

Shivendra Singh @ Shivendra Kumar Singh S/o Late Ramprikshan Singh,
resident of A.G. Bazar, Kursela, P.S. Kursela, District- Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector cum-District Magistrate, Katihar. null null
3. The Sub-Divisional Officer, Katihar
4. The Circle Officer Kursela, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate
For the Respondent/s : Mr.Nasim Yahya- Gp13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 29-08-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“(1) For issuance of writ of mandamus directing the respondent revenue authority to consider the claim of the petitioner over 400 sq. Kari of land of plot No. 6685, Khata No. 102 of Mauza Murad pur, Anchal -Kursela, District Katihar in as much as there is Pukka building over the said land since before the year 1966 and by way of adverse possession, right, title and interest has accrued over the land in question.

(ii) For quashing Encroachment Case No. 3/2015-16, pending before the C.O. Kursela in as much as in the said case two notices in two different names, showing two different areas, have been served upon the petitioner and



further the aforesaid land is coming in possession of petitioner's family since before the year 1966 and there was no hindrance at any point of time rather Respondent no.6 has made encroachment.”

2. At the outset, the learned counsel for the petitioner submits that though an encroachment proceeding, bearing Encroachment Case No.03 of 2015-16, has been initiated by the Circle Officer, Kursela, District- Katihar, however, no final order, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, has been passed, hence the petitioner be granted liberty to file his fresh objection. Liberty so sought is granted.

3. It is needless to state that in case the petitioner files appropriate objection, before the Circle Officer, Kursela, District- Katihar, the same shall be considered and thereafter, the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, shall be passed, forthwith.

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

(Mohit Kumar Shah, J)

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