

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13549 of 2024

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Rakesh Ranjan @ Putul Singh, Son of Ravindra Prasad, resident of Mohalla-
Mahajan Toli No. 1, Ara, Police Station-Ara (Town), District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur.
3. The Circle Officer, Ara Sadar, Bhojpur, District-Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Choubey, Advocate
For the Resp-State	:	Mr. Mukul Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-09-2024 Heard Mr. Surendra Kumar Choubey, learned counsel
for the petitioner and Mr. Mukul Prasad, learned counsel for the
State.

2. The petitioner is aggrieved by the notice dated
29.07.2024 issued by the Circle Officer, Ara Sadar, contained in
Annexure-P/4, whereby and whereunder, the petitioner was
served with a show-cause with respect to the land situated at
Thana no. 237, Nawada, District-Bhojpur, Plot no. 4065,
treating it as government land.

3. Learned counsel for the petitioner contended that in
response to the notice dated 29.07.2024, the petitioner has
already filed a detailed reply of the show-cause, however,
despite disposing off the same, the respondent authorities are



bent upon to demolish the house constructed over the plot in question. The petitioner also apprehends that adverse order against the petitioner may be passed by the Circle Officer, Ara Sadar.

4. It is trite that petition under Article 226 of the Constitution is maintainable even a citizen apprehends violation of the fundamental right, such citizen is not required to await the adverse effects and consequences or the actual prejudice, provided the apprehension is well founded.

5. *Prima facie*, it appears that the petitioner is only aggrieved by the notice and his apprehension that adverse order may be passed is without any foundation and, as such, in the opinion of this Court, the writ petition is per se not maintainable on that ground. However, taking note of the fact that the petitioner has already submitted his show-cause reply, the writ petition stands disposed off with an expectation that respondent no.3, the Circle Officer, Ara Sadar, Bhojpur, shall consider the show-cause reply of the petitioner and dispose off the same before taking any action for demolition.

(Harish Kumar, J)

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