

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14579 of 2023

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Ram Naresh Pathak Son of Arun Pathak, Resident of Village, Post Office and Police Station- Bheldi, District- Saran, Chhapra, presently Residing at Tinsukia, Assam- 786125.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Saran Chhapra.
3. The Circle Officer, Block- Parsa, District- Saran.
4. The Mukhiya, Gram Panchayat- Bheldi, Village- Bheldi, Post Office and Police Station- Bheldi, District- Saran, Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh
For the Respondent/s	:	Mr. Rishi Raj Sinha (Sc 19)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 2 16-01-2024 1. This is an application for quashing the impugned notice (Annexure-P/2) issued by the respondent no. 03, Circle Officer, Parsa in Encroachment Case No. 09 of 2022-23 against the name of petitioner's father *Arun Pathak* regarding the land in question.
2. From a notice as annexed as Annexure-P/1, it appears that Encroachment Case No. 09 of 2022-23 has been initiated against the father of the petitioner namely *Arun Pathak* thereafter another notice has been issued which says that it is a final notice and the petitioner has been directed to remove the encroachment.
3. The final notice dated 20.04.2023 passed in Encroachment Case No. 09 of 2022-23 is hereby quashed as the same is without any details of the order passed under the Bihar



Public Land Encroachment Act, 1956.

4. The Circle Officer, Parsa, Saran is directed to hear the petitioner who is the son of *Arun Pathak* as it has been submitted by the learned counsel for the petitioner that *Arun Pathak* is now mentally challenged and he cannot represent himself before any authority.

5. In these circumstances, this application is allowed and impugned notice dated 20.04.2023 (Annexure-P/2) issued by the respondent no. 03, Circle Officer, Parsa in Encroachment Case No. 09 of 2022-23 against the father of the petitioner namely *Arun Pathak* is hereby quashed.

6. The Circle Officer, Parsa, Saran is directed to freshly decide the Encroachment Case No. 09 of 2022-23 after considering the show cause of the petitioner which the petitioner shall file within a month from today and the Circle Officer will pass a final order in accordance with law after hearing all the parties.

7. This application stands allowed with the aforesaid direction.

(Sandeep Kumar, J)

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