

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.499 of 2024

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Vashishtha Prasad Son of Late Ram Bahadur Prasad, Resident of Mohalla-
Kailashpur, Ward No. 45, P.S. and Anchal- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reform
Department, Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Circle Officer, Dumra, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Jha, Adv.
For the Respondent/s	:	Mr.Virendra Kuar, AC to GP-10 Mr.K.P. Gupta, GP-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 04-07-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.(i) For issuance of an appropriate writ in the
nature of certiorari for setting aside the notice
dated 08.12.2023 passed by the Circle Officer,
Dumra, District Sitamarhi in Encroachment Case
No. 08/2023-24 (though the order has not been
served even after filing requisition) whereby the
Circle Officer, Dumra, Sitamarhi has noticed the
petitioner that an order of vacating the land over
Plot No. 3431 under Khata No. 509 area 847.12
sqft. has been passed and as such the petitioner
has been directed to vacate the land by
26.12.2023.*

(ii) For further direction to the Respondent



authority not to take further coercive step in pursuance to the order as the same is malafide and arbitral.”

2. At the outset, the learned counsel for the respondent-State has submitted, by referring to paragraph no.13 of the counter affidavit filed in the present case that the encroachment proceedings initiated vide Encroachment Case No.8 of 2023-24 are still pending consideration before the Circle Officer, Dumra, District-Sitamarhi.

3. In view of the aforesaid, the learned counsel for the petitioner seeks four weeks' time to file his objections/written statement in connection with the aforesaid Encroachment Case No.8 of 2023-24. Liberty so sought is granted.

4. It is needless to state that in case the petitioner files his objections/written statement, within a period of four weeks from today, before the Circle Officer, Dumra, District-Sitamarhi, in connection with Encroachment Case No.8 of 2023-24, the Circle Officer, Dumra, District-Sitamarhi, shall consider the same and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks, thereafter and till then no coercive action shall be taken against the petitioner.

5. The writ petition stands disposed off on the



aforesaid terms.

(Mohit Kumar Shah, J)

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