

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16181 of 2019

Uma Shankar Rai Son of Late Fauzdar Rai, Resident of Village- Chakdah
Pachdahi, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Land Revenue, Government of Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
5. The Sub-Divisional Officer, East Muzaffarpur, District- Muzaffarpur.
6. The Circle Officer, Sakra, District- Muzaffarpur.
7. The Anchal Amin, Sakra, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar
For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-10-2019 The present writ petition has been filed for quashing the notice issued under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956) dated 20.07.2019 on the ground that without passing the final order under Section 6(1) of the Act, 1956, no action can be taken under Section 6(2) of the Act, 1956..

The respondents have filed a counter affidavit wherein it has been stated that a notice under Section 3 of the Act, 1956 has been issued and encroachment proceeding has been initiated by the said notice dated 18.06.2019, however, the



respondents have failed to produce any final order passed under Section 6(1) of the Act, 1956.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with a direction to the Circle Officer, Sakra, Muzaffarpur to pass the final order under Section 6(1) of the Act, 1956 after considering objections already filed by the petitioner herein before the Circle Officer, Sakra, Muzaffarpur and till then, no coercive action shall be taken against the petitioner.

The writ petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

