

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17709 of 2019

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1. Dr. Nagendra Kumar Pandey (wrongly typed in the impugned notice as Dr. Narendra Kumar Pandey) Son of Sri Surendra Pandey Resident of Village-Imilia, P.O. and P.S.-Manjha Garh, District-Gopalganj
 2. Ranjit Kumar Shrivastava Son of Late Kashi Prasad Shrivastava Resident of Village-Dubey Batraha, Post-Mishra Batraha, Dubey Batraha, District-Gopalganj
 3. Shail Devi Wife of Shri Dashrath Choubey Resident of At and P.O.-Repura, P.S. Hathua, District-Gopalganj
 4. Arbind Kumar Tiwary (wrongly written in notice as Arvind Kr. Tiwary) Son of Late Shivnath Tiwari Resident of Village-Bheriharwa, P.O. and P.S.-Mainatand, District-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary Revenue and Land Reforms, Government of Bihar, Patna
3. The Divisional Commissioner Saran at Chapra
4. The District Magistrate Gopalganj
5. The Deputy Collector Land Reforms, Gopalganj
6. The Sub-Divisional Officer Hathua, Gopalganj
7. The Block Development Officer Hathua, Gopalganj
8. The Circle Officer Hathua, Gopalganj
9. The Officer Incharge Hathua Police Station, Gopalganj
10. Maharaj Kumar Mrigendra Pratap Sahi Son of Late Maharaj Bahadur Gopeshwar Prasad Sahi Resident of Hathua House, Near Gandhi Maidan, P.S. Gandhi Maidan, Town and District-Patna
11. Sadan Sahi Son of Late Kishori Sahi Manager, Hathua Raj, At and P.O. and P.S.-Hathua, District-Gopalganj
12. Dhireshwarendra Sahi Son of Late Nakuleshwarendra Sahi @ Gutmut Babu Resident of Village -Manjha Garh, P.S.-Garah Manjha, District-Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Tiwary
For the Respondent/s : Mr.Subash Chandra Yadav (Gp5)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

2 03-09-2019 The present writ petition has been filed for quashing the notice dated 6.8.2019 issued by the Circle Officer, Hathua, Gopalganj whereby and whereunder the petitioners have been directed to clear the encroachment made by them.

The learned counsel for the petitioners submits that without either initiating any encroachment proceeding or granting an opportunity to the petitioners to file their objections, the impugned notice dated 6.8.2019 has been passed, hence, is bad in law.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Hathua, Gopalganj to initiate appropriate proceedings under the Bihar Public Land Encroachment Act, 1956, in case, it is his information and belief that encroachment has been made by the petitioners, whereafter, appropriate opportunity be granted to the petitioners to file their objections and after filing of the said objections for which, the Circle Officer, Hathua, Gopalganj shall grant four weeks' time to the petitioners, final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 shall be passed.

It is needless to state that till passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act,



1956, no coercive steps shall be taken against the petitioners.

(Mohit Kumar Shah, J)

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