

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6457 of 2018

1. Pano Devi Wife of Late Ram Chandra Ram Mochi.
2. Vinod Ram Mochi, Son of Late Ram Chandra Ram
3. Jangli Ram Mochi, Son of Late Ram Chandra Ram
4. Vikram Ram Mochi, Son of Late Ram Chandra Ram
5. Chotu Ram Mochi, Son of Late Ram Chandra Ram
6. Reeta Devi, Daughter of Late Ram Chandra Ram Mochi,
7. Mahavir Sharma, Son of Late Permeshwar Sharma, all are residing at Village- Rolbagh, Ward No. 30, Police Station- Kissanganj, District- Kissanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Revenue Department, Government of Bihar, Patna
2. The District Magistrate, Kissanganj.
3. The Sub Divisional Officer, Kissanganj.
4. The Circle Officer, Kissanganj.
5. The D.C.L.R., Kissanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Mishra
For the Respondent/s : Mr.Raj Kishore Roy -Gp18

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 01-10-2019 The present writ petition has been filed for quashing the notice dated 24.02.2018 issued to the petitioners by the Circle Officer, Kissanganj under Section 6(2) of the ***Bihar Public Land Encroachment Act, 1956*** (hereinafter referred to as the “Act, 1956”).

The only question to be determined in the present case is as to whether any order has been passed by the Circle Officer under



Section 6(1) of the Act, 1956.

The respondent- State has filed counter affidavit, however no order under Section 6(1) of the Act, 1956 has been produced by the respondent- State in their counter affidavit and infact, no averment to the said effect is there which shows that an order under Section 6(1) of the Act, 1956 has been passed by the Circle Officer concerned.

In such view of the matter, while disposing of the present writ petition, liberty is granted to the petitioners to file objections before the Circle Officer, Kissanganj in pursuance to the notice dated 24.02.2018 which shall be considered by the Circle Officer, Kissanganj and final orders under Section 6(1) of the Act shall be passed, thereafter. It is needless to state that in case, no objection is filed by the petitioners, the Circle Officer, Kissanganj shall pass *ex-parte* orders.

It is further directed that till the passing of the final order by the Circle Officer, Kissanganj under Section 6(1) of the Act, 1956, *status quo* existing as on today, shall be maintained.

(Mohit Kumar Shah, J)

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