

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18752 of 2019

1. Yogendra Thakur Son of Babulal Thakur, Resident of Village- Lamauniya, P.S.- Sugauli, District- East Champaran, Motihari.
2. Sudama Thakur Son of Babulal Thakur, Resident of Village- Lamauniya, P.S.- Sugauli, District- East Champaran, Motihari.
3. Bihari Thakur Son of Yadav Lal Thakur, Resident of Village- Lamauniya, P.S.- Sugauli, District- East Champaran, Motihari.
4. Gyani Thakur Son of Yadav Lal Thakur, Resident of Village- Lamauniya, P.S.- Sugauli, District- East Champaran, Motihari.
5. Harendra Thakur @ Harendra Kumar Thakur @ Harendra Kumar Both son of Sudama Thakur, Resident of Village- Lamauniya, P.S.- Sugauli, District- East Champaran, Motihari.
6. Nagendra Thakur Son of Sudama Thakur, Resident of Village- Lamauniya, P.S.- Sugauli, District- East Champaran, Motihari.
7. Umrawati Devi Wife of Sudama Thakur, Resident of Village- Lamauniya, P.S.- Sugauli, District- East Champaran, Motihari.
8. Sumrati Devi W/o Yogendra Thakur, Resident of Village- Lamauniya, P.S.- Sugauli, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Dept. Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collectors, District- East Champaran, Motihari.
4. The Sub Divisional Officer, Motihari, District- East Champaran, Motihari.
5. The Circle Officer, Sugauli, District- East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-09-2019 The petitioners herein seek to challenge the notice dated 02.08.2019 issued by the Circle Officer, Sugauli, District- East Champaran, Motihari, in connection with Encroachment Case No. 10 of 2018-19 on the ground that without granting any opportunity to



the petitioners to file their objection, the petitioners have been directed to remove the encroachment in question.

This Court is of the view that ample opportunity to file objections is required to be granted to the encroachers before any finding is arrived at by the Circle Officer concerned.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with liberty to the petitioners to file their objections within a period of four weeks from today in connection with Encroachment Case No. 10 of 2018-19 before the Circle Officer, Sugauli, District- East Champaran, Motihari and in case such objection is filed within a period of four weeks from today, the Circle Officer, Sugauli, District- East Champaran, Motihari shall consider the same and shall pass final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

It is needless to state that in case no objection is filed within a period of four weeks from today, the Circle Officer, Sugauli, District- East Champaran, Motihari shall pass *ex-parte* order. It is further directed that till passing of final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, status quo existing as on today, shall be maintained.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

