

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18840 of 2019

-
1. Ramji Thakur Son of late Kali Thakur@ Late Kalicharan Thakur, Resident of Mohalla- Chhotki Delha, Gushalkhana Road, P.S. Delha, District- Gaya.
 2. Shyamji Thakur, Son of late Kali Thakur@ late Kalicharan Thakur, Resident of Mohalla- Chhotki Delha, Gushalkhana Road, P.S. Delha, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Gaya.
3. The Deputy Collector Land Reforms, Sadar Gaya, District- Gaya.
4. The Circle Officer, Sadar Gaya, District- Gaya.
5. Mukesh Kumar, Son of late Jai Gopal Thakur Resident of Mohalla- Chhotki Delha, Gushalkhana Road, P.S. Delha, District- Gaya.
6. Deepak Kumar, Son of late Gopal Thakur Resident of Mohalla- Chhotki Delha, Gushalkhana Road, P.S. Delha, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-09-2019 The present writ petition has been filed for quashing the notice dated 24.8.2019 passed by the Circle Officer, Sadar Gaya in Encroachment Case No. 12 of 2019-20 whereby and whereunder the petitioners have been directed to remove the encroachment over Khata No. 680 (New), Khesra (Plot) No. 2045 (New), Thana No. 5 situated at Mauja Murarpur (Gaya).

The learned counsel for the petitioners submits that without passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, the notice under Section



6(2) of the Bihar Public Land Encroachment Act, 1956 has been issued to the petitioners herein, hence, admittedly, there is a violation of the statutory provisions of law.

Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file objection before the Circle Officer, Sadar Gaya in connection with Encroachment Case No. 12 of 2019-20 within a period of four weeks from today, whereupon the Circle Officer, Sadar Gaya shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after considering the said objection of the petitioners herein.

It is needless to state that in case, no objection is filed within a period of four weeks from today, by the petitioners herein, the Circle Officer, Sadar Gaya shall proceed ex parte.

Till passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, status quo existing as on today shall be maintained.

At this stage, the learned counsel for the respondents-State submits that he is not sure as to whether the final order Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has been passed or not.

It is clarified that in case, final order under Section



6(1) of the Bihar Public Land Encroachment Act, 1956 has been passed by the Circle Officer, Sadar Gaya then in that case, the Circle Officer, Sadar Gaya shall proceed with the notice given to the petitioners under Section 6(2) of the Bihar Public Land Encroachment Act, 1956.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

ajay gupta/-

U			
---	--	--	--

