

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19555 of 2019

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1. Bachhunarayan Chaudhary son of Late Jago Chaudhary, Resident of Village Teusa, Police Station Atri, District Gaya.
 2. Baijnath Chaudhary son of Late Bhola Chaudhary, Resident of Village Teusa, Police Station Atri, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub Divisional Magistrate, Nimchak Bathni, District Gaya.
5. The Circle Officer, Atri, District Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Dharendra Pratap Singh, Adv.
For the Respondent/s : Mr.Abhoy Kumar Kashyap, AC to G.P.18
For Intervenor/ Respondents: Mr. Umesh Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 05-11-2019 Though, the petitioners had challenged the notice dated 03. 07. 2019 issued by the District Magistrate, Gaya under Section 6 (2) of the Bihar Public Land Encroachment Act, 1956, especially on the ground that the District Magistrate is not the appropriate authority under the Bihar Public Land Encroachment Act, 1956 and the appropriate authority under the said Act for initiating encroachment proceedings and removal of the encroachment made over the public land is the concerned Circle Officer, however, it appears from the counter affidavit filed by the respondent State that during the interregnum period, the said mistake has been



rectified and a notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 has been issued to the petitioner in connection with Encroachment Case No. 1 of 2019/ 2020, nonetheless, it appears that no opportunity has been granted to the petitioners to file their objections.

Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file their objections in pursuance to the aforesaid said notice, annexed as Annexure-B to the counter affidavit, within a period of four weeks from today, whereafter the Circle Officer, Atari, Gaya shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after considering the objections of the petitioners and other concerned effected persons.

It is made clear that in case no objection is filed by the petitioners within a period of four weeks from today, the Circle Officer, Atari, Gaya shall be free to pass *ex-parte* orders.

It is needless to state that any order passed by the Circle Officer, Atari, Gaya, as against the petitioners herein, earlier to today, shall have no force. It is further directed that till passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, no coercive action shall be taken against the petitioners herein.



The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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