

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9777 of 2017

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Noor Mohammad Son of Late Timal Mian, Resident of Village- Kubrahi,
Police Station- Kateya, Circle, Panchdeori, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Sub-Divisional Officer, Gopalganj
4. The Circle Officer, Panchdeori Circle, Gopalganj
5. Aas Mohammad Son of Laichee Mian Resident of Village-Kubrahi, Police Station-Kateya, District-Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Respondent/s : Mr.Raj Kishore Roy-Gp18

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-11-2019 The present writ petition has been filed for quashing the notices dated 25.05.2017 and 12.06.2017 issued by the Circle Officer, Panchdeori, District Gopalganj whereby and whereunder the petitioner has been directed to remove encroachment over the land situated at Mauza- Kubrahi, Khata No. 68, Khesra No. 222, area 10 decimals, within a period of one week, failing which the encroachment shall be removed by force.

The learned counsel for the petitioner has submitted that the Circle Officer, Panchdeori, District Gopalganj has issued the aforesaid notices directly under the purported



exercise of powers vested with him under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) without passing any final orders under Section 6(1) of the Act, 1956, hence the entire action of the Circle Officer, Panchdeori, District Gopalganj vide the aforesaid notices dated 25.05.2017 and 12.06.2017 are illegal and non-est in the eyes of law.

The learned counsel for the respondents has referred to the earlier orders of this Court dated 27.02.2017 passed in CWJC No. 15562 of 2015 whereby and whereunder the Circle Officer, Panchdeori, District Gopalganj was directed to dispose of the Encroachment Case No. 10 of 2013-14 within a period of four months in accordance with the provisions of the Act, 1956, hence, it is submitted that the Circle Officer, Panchdeori, has rightly taken the steps, as aforesaid.

This Court is of the view that since a co-ordinate Bench of this Court by the aforesaid order dated 27.02.2017 had directed the Circle Officer, Panchdeori, District Gopalganj to dispose of the pending Encroachment Case No. 10 of 2013-14 in accordance with the provisions of the Act, 1956, the Circle Officer, Panchdeori, District Gopalganj was required to pass final orders under Section 6(1) of the Act,



1956, after considering the objections of the petitioner, however, the respondents have failed to bring to the notice of this Court any such final orders passed under Section 6(1) of the Act, 1956, hence this Court is of the view that the Circle Officer, Panchdeori, District Gopalganj is required to pass the final orders under Section 6(1) of the Act, 1956 in the pending Encroachment Case No. 10 of 2013-14 by considering the objections already filed or to be filed by the petitioner, for which this Court grants four weeks' time to the petitioner to file objections, if he so desires.

Accordingly, the present writ petition stands disposed of with the aforesaid directions to the Circle Officer, Panchdeori, District Gopalganj to finally dispose of the Encroachment Case No. 10 of 2013-14 by passing the final orders under Section 6(1) of the Act, 1956 and till such final order is passed, no coercive steps shall be taken against the petitioner herein.

(Mohit Kumar Shah, J)

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