

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20456 of 2019**

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1. Ganauri Rajwar Son of Chandrika Rajwar, resident of Village- Rediya, Police Station- Tilouthu, District- Rohtas.
2. Ganauri Rajwari, Son of Sita Rajwar, resident of Village- Rediya, Police Station- Tilouthu, District- Rohtas.
3. Nepali Rajwar, Son of Late Lagan Rajwar, resident of Village- Rediya, Police Station- Tilouthu, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate, Rohtas (Sasaram).
3. The Circle Officer, Tilouthu Circle, District- Rohtas (Sasaram).

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari  
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      18-10-2019                      The present writ petition has been filed seeking quashing of the notices dated 29.08.2019 issued to the petitioners under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the “Act, 1956”), whereby and whereunder the petitioners have been directed to remove the encroachment in question.

The learned counsel for the petitioners submits that neither any notice under Section 3 of the Act, 1956 has been issued nor the petitioners have been given opportunity under Section 5 of the Act, 1956 to lead evidence nor any order under



Section 6(1) of the Act, 1956 has been passed by the Circle Officer, Tilouthu, District Rohtas (Sasaram) and instead the said Circle Officer has issued notices under Section 6(2) of the Act, 1956, which is impugned in the present proceeding. Thus, the submission of the learned counsel for the petitioners is that the aforesaid notice dated 29.08.2019 is illegal and fit to be set aside.

Having regard to the facts and circumstances of this case, this Court finds that the Circle Officer, Tilouthu, District Rohtas (Sasaram) is required to first issue notice under Section 6(3) of the Act, 1956 to the petitioners herein and after seeking the objection from the petitioners, he is required to pass final order under Section 6(1) of the Act, 1956, whereafter if he comes to a finding that the land in question is a public land and has been encroached by the petitioners, action is required to be taken under Section 6(2) of the Act, 1956.

Having regard to the facts and circumstances of the case, the three notices dated 29.08.2019 issued under Section 6(2) of the Act, 1956 by the Circle Officer, Tilouthu, District Rohtas (Sasaram) are quashed, however, with liberty to the Circle Officer, Tilouthu to take recourse to fresh proceedings under the provisions of the Bihar Public Land Encroachment



Act, 1956 against the petitioners herein.

The writ petition stands allowed with the aforesaid  
directions.

**(Mohit Kumar Shah, J)**

Tiwary/-

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