

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21819 of 2019

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Md. Abbas S/o Balagat Hussain R/o Gram- Bauram, Anchal- Gaurabauram,
Division- Biraul, P.S.- Jamalpur (O.P. Badgau), District- Darbhanga, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Bailey Road, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Bailey Road, Patna.
3. The Collector-cum-District Magistrate, Darbhanga.
4. The Deputy Collector, Land Reforms, Biraul, Darbhanga.
5. The Sub-Divisional Officer, Biraul, Darbhanga.
6. The Circle Officer, Gaurabauram, Darbhanga.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-11-2019 The present writ petition has been filed for quashing the notices dated 12.10.2019 and 23.10.2019 issued by the Circle Officer, Gaurabauram, Darbhanga in connection with Encroachment Case No. 07/ 2019-20 on the ground that without issuing any notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 or without passing any order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, the Circle Officer, Gaurabauram, Darbhanga is seeking to remove the encroachment in question and that too without providing any opportunity of hearing to the petitioner i.e. in defiance of the



principles of natural justice.

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 petitioner to file fresh objections in connection with Encroachment Case No. 07 of 2019-20 before the Circle Officer, Gaurabauram, Darbhanga within a period of four weeks from today, whereupon the Circle Officer, Gaurabauram, Darbhanga shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after considering the objections so filed by the petitioner.

It is needless to state that in case no objection is filed by the petitioner within a period of four weeks from today, the Circle Officer, Gaurabauram, Darbhanga shall be free to pass *ex-parte* orders.

It is further directed that till passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, as aforesaid, status quo, qua the house/ washroom of the petitioner herein, existing as on today shall be maintained.

The writ petition stands disposed of on the aforesaid terms.

Tiwary/-

(Mohit Kumar Shah, J)

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