

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4085 of 2020

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Jawahar Lal Sah Son of Late Tulsi Sah, resident of Village- Darwan, P.O. and
P.S.- Ishuwapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Saran at Chapra.
4. The Sub-Divisional Officer, Marhaurah, District- Saran at Chapra.
5. The Deputy Collector, Land Reforms, Marhaurah, District- Saran at Chapra.
6. The Circle Officer, Ishuwapur, District- Saran at Chapra.
7. Chunni Lal Sah, Son of Late Tulsi Sah, resident of Village - Darwan, P.O.
and P.S.- Ishuwapur, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 06-03-2020 Heard learned counsel for the parties.

2. The petitioner has put to challenge a notice dated
04.02.2020, issued by the Circle Officer, Ishuwapur in the
District of Saran at Chapra under Section 6(2) of the Bihar Land
Encroachment Act, 1956 (hereinafter referred to as ‘the Act’),
whereby he has been asked to remove the encroachment from a
land, which has been found to be public land within the meaning
of the Act.

3. Learned counsel appearing on behalf of the



petitioner has submitted that the said notice under Section 6(2) of the Act has been passed without passing a final order as stipulated under section 6(1) of the Act.

4. There is no specific averment to this effect made in the writ application.

5. Learned counsel appearing on behalf of the petitioner has contended that despite several attempts, the petitioner has not been provided with the certified copy of the order passed under Section 6(1) of the Act.

6. Considering the facts and circumstances, this application is disposed of with the following observations and directions:-

(a) If a final order has been passed by the Circle Officer, a copy of the same must be made available to the petitioner, if any application is filed, seeking supply of certified copy of that order within two weeks from making of such application. The petitioner shall, thereafter, be at liberty to prefer an appeal against the said order and notice under Section 6(2) of the Act before the Collector of the District under Section 11 of the Act.

(b) In case it is noticed that the said notice under Section 6(2) of the Act has been issued without passing a final



order under Section 6(1) of the Act, the Circle Officer will be required to pass a final order first before acting upon the notice under Section 6(2) of the Act. Once an order is passed finally, in such circumstance, the petitioner may assail the order before the appellate authority.

7. This application stands disposed of.

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(Chakradhari Sharan Singh, J)

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