

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.154 of 2020

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1. Rina Devi Wife of Krishna Murari Pandit Resident of Power House Tola Kursela, P.O.- Kursela, P.S.- Kursela, District- Katihar.
 2. Anita Devi Wife of Jwala Prasad @ Jawala Prasad Pandit Resident of Power House Tola Kursela, P.O.- Kursela, P.S.- Kursela, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Katihar.
3. The Circle Officer, Kursela, District- Katihar.
4. The Assistant Engineer, Bihar State Electricity Board now Power Holding Company, Kursela, District- Katihar.
5. The S.D.O., Bihar State Electricity Board now Power Holding Company, Kursela, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Jha, Adv.
For the State	:	Ms. Prakritita Sharma, AC to SC-25
For NBPDC	:	Mr. Vinay Kirti Singh, Sr. Adv.
		Mr. Vijay Kumar Verma, Adv.
		Mr. Akhileshwar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 24-01-2020 The petitioners have put to challenge notices issued by the Circle Officer, Kursela in the district of Katihar, whereby they have been asked to remove encroachments from a piece of land, which, according to the Circle Officer, is a public land.

It is the petitioners' case that they are privileged tenants and lands were settled in their favour under Bihar Privileged Persons Homestead Tenancy Act, 1947 read with the Rules framed thereunder in 2015 and ignoring the said



settlement under the provisions of the Act, the impugned notices have been issued.

It appears that the petitioners have submitted their replies to the notices issued by the Circle Officer. The Circle Officer is under statutory obligation to consider any explanation submitted by a person who is said to have encroached a public land.

This application is disposed of with the observation that the Circle Officer, while passing final order under the provisions of Bihar Public Land Encroachment Act, 1956, shall consider the stand of the petitioners in their show cause replies.

(Chakradhari Sharan Singh, J)

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