

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9043 of 2021

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Dilip Kumar son of Late Niranjan Prasad resident of Mohalla - Yarpur
Refugee Market, Road No. 10, P.S. - Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development and Town Planning, Govt. of Bihar, Patna.
3. The Town Commissioner, Patna Municipal Commissioner, Patna.
4. The Collector- cum - District Magistrate, Patna at Patna.
5. The Circle Officer, Sadar, Patna at Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Adv. Mr. Vinod Kumar Mr. R. Shivam Singh
For the Respondent/s	:	Mr. Syed Hussain Majeed, AC to SC 6

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-11-2021 Heard learned Counsel for the parties concerned.

The petitioners have challenged the notice, dated 10.03.2021, issued by the respondent no. 5- Circle Officer, Patna, under Section 3 of the Bihar Public Land Encroachment Act (in short, 'the Act') in Encroachment Case No. 25 of 2020-21.

Learned Senior Counsel for the petitioners submits that the petitioners are the owners of the lands, described in the impugned notice. He further submits that the lands in question was sold in public auction under the provisions of the Displaced



Persons (Compensation and Rehabilitation) Act, 1954 and the petitioners are purchasers and successors-in-interest of the subject lands, having Khata No. 2, Khesra No. 278/279, Mouza Yarpur, Thana No. 18, in the town and district of Patna. The submission is that the lands are the raiyati lands of the petitioners and as such, the respondent-State has got no jurisdiction and/or power to initiate any proceeding under the Act.

Learned Counsel for the State submits that the writ application filed by the petitioners is premature and they have come against the notice issued by the Circle Officer, Patna, under Section 3 of the Act. No final order has yet been passed by respondent no. 5. He further submits that if the petitioners have any claim over the lands in question, they may file their objection, which shall be decided by respondent no. 5 in accordance with law.

Having heard learned Counsel for the parties concerned and in view of the submission advanced on behalf of the State, let proper objection be filed by the petitioners before respondent no. 5 within a period of four weeks from today and if such an objection is filed by the petitioners, the respondent no. 5-the Circle Officer, Patna, shall dispose the same in



accordance with law after giving proper opportunity and hearing to the petitioners, within a further period of two months from the date of filing of the objection.

With the aforesaid observation and direction, this writ application is disposed.

It is made clear that till the disposal of the objection and passing of final order in Encroachment Case No. 25 of 2020-21, no coercive action shall be taken against the petitioners with regard to the land in question.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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