

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1603 of 2020

1. Mustufa @ Mustufa Mian S/o Hussain @ Motar Mian resident of Village- Maldahiya, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran (Bihar).
2. Mohammad Ali @ Papu Mian S/o Ahmad Ali @ Ahmad Ansari resident of Village- Maldahiya, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran (Bihar).
3. Gulab Mian @ Gulab Ansari S/o Wali Mohammad Mian @ Oli Mohammad Mian resident of Village- Maldahiya, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran (Bihar).
4. Julafekar Mian S/o Wali Mohammad Mian resident of Village- Maldahiya, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran (Bihar).
5. Kamruddin Mian @ Kamruddin Ansari S/o Serajul Mian resident of Village- Maldahiya, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran (Bihar).
6. Kamrul Miyan @ Kamrul Ansari S/o- Nirban Mian @ Giriban Ansari resident of Village- Maldahiya, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran (Bihar).
7. Ramjan Ansari S/o Akbar Ansari resident of Village- Maldahiya, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran (Bihar).
8. Ahmad Gafar S/o Voli Ahmad Mian resident of Village- Maldahiya, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran (Bihar).
9. Mansur Alam @ Nabi Alam S/o- Abdul Hak resident of Village- Maldahiya, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran (Bihar).
10. Faiyaz Alam S/o Jahid Mian @ Jahir Ahmad resident of Village- Maldahiya, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Bettiah, West Champaran.
3. The Sub- Divisional Officer, Bettiah, West Champaran.
4. The Circle Officer-cum- Collector, Narkatiaganj, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Waliur Rehman, Adv .
For the Respondent/s	:	Ms. Prakritita Sharma, Ac to SC-25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



2 07-07-2022 Though, a notice dated 19.12.2019 has been issued by the Circle Officer, Narkatiyaganj, West Champaran, however, it is the case of the petitioners that the same does not bear any number and no opportunity has been granted to the petitioners to present their defence and instead a notice under section 6(2) of the Bihar Land Encroachment Act, 1956 has been issued for removal of the encroachment in question. It is thus submitted that an Encroachment case is required to be first registered and then an opportunity should be granted to the petitioners to file their show cause reply, whereafter appropriate orders may be passed, considering the reply of the petitioners, under section 6(1) of the Bihar Public Land Encroachment Act, 1956.

The learned counsel for the State Respondents has submitted that definitely encroachment case shall be numbered, whereafter, a fresh notice shall be issued to the petitioners for the purposes of filing their show cause reply and then appropriate final order shall be passed under section 6(1) of the Act, 1956.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of with a direction to the Circle Officer, Narkatiyaganj, West Champaran to register and number the encroachment case in question and issue fresh



notices to the petitioners, granting them sufficient time to file their show cause reply and thereafter pass appropriate final order under section 6(1) of the Act, 1956, in accordance with law.

It is needless to state that till the aforesaid exercise is completed by the Circle Officer, Narkatiyaganj, status quo existing as on today shall be maintained.

(Mohit Kumar Shah, J)

Tiwary/-

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