

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5662 of 2022

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Smt. Shakuntala Devi Wife of Deep Narayan Sharma Resident of Village- Jaganpura, Post Office and Police Station- Patrakar Nagar, Patna (Bihar), at present resident of Deep Bhawan, Saidpura, Gandhi School Road, Dinapur cum Khagaul, District- Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Government of Bihar.
2. The Additional Secretary, Revenue and Land Reforms Department, Government of Bihar.
3. The District Magistrate, Patna.
4. The Circle Officer, Phulwarisharif, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 2080 of 2022

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1. Sunil Kumar Sharma S/o Late Rajkumar Sharma Resident of 90 feet road, Malahipakri, Patrakarnagar, Town and District- Patna, Pin - 800020.
2. Smt. Krishna Prasad W/o Late nand Keshwar Prasad Resident of 90 feet road, Malahipakri, Patrakarnagar, Town and District- Patna, Pin - 800020.
3. Shashi Bhusan Kumar S/o Late Rameshwar Prasad Resident of 90 feet road, Malahipakri, Patrakarnagar, Town and District- Patna, Pin - 800020.
4. Ajit Kumar S/o Late Ramchandra Sharma Resident of 90 feet road, Malahipakri, Patrakarnagar, Town and District- Patna, Pin - 800020.
5. Naresh Rajak S/o - Late Piyari Ram Resident of 90 feet road, Malahipakri, Patrakarnagar, Town and District- Patna, Pin - 800020.
6. Ravindra Kumar S/o Late Sri Ram Prasad Resident of 90 feet road, Malahipakri, Patrakarnagar, Town and District- Patna, Pin - 800020.
7. Geeta Devi W/o Sushil Kumar Resident of 90 feet road, Malahipakri, Patrakarnagar, Town and District- Patna, Pin - 800020.
8. Satendra Narayan Singh S/o Late Sitaram Singh Resident of 90 feet road, Malahipakri, Patrakarnagar, Town and District- Patna, Pin - 800020.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.



3. The Anchala Adhikari, Anchal - Phulwarisharif, District- Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5662 of 2022)

For the Petitioner/s : Mr.Chandan Kumar

For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

(In Civil Writ Jurisdiction Case No. 2080 of 2022)

For the Petitioner/s : Mr.Prabhakar Mishra

For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 29-11-2022 The challenge in the aforesaid two writ petitions is to the issuance of notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 to the petitioners of the aforesaid two cases by the Circle Officer, Phulwarisharif, Patna in connection with Encroachment Case No. 7/2021-22. As far as the second case is concerned, the petitioners have also challenged the notice, issued under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, dated 19.1.2022.

A counter affidavit has been filed in the second case, which is taken on record wherein it has been admitted that though a notice under Section 3 of the Bihar Public Land Encroachment



Act, 1956, has been issued to the petitioners in connection with Encroachment Case No. 7/2021-22, however, no final order under Section 6(1) of the Bihar Public Land Encroachment Act, 2022 has been passed till date, nonetheless, notice under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, dated 19.01.2022, has been issued to the petitioners of the second case, which, in the considered view of this Court, could not have been issued without passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, hence, is illegal, thus is quashed.

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 petitioners of the aforesaid two cases to file their replies / objections in the ongoing Encroachment Case No. 7/2021-22, within a period of four weeks from today, whereupon the Circle Officer, Phulwarisharif, Patna shall consider the same and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in



accordance with law, forthwith and till then, status quo, existing as on today qua the land / houses of the petitioners in question, shall be maintained.

(Mohit Kumar Shah, J)

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