

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6972 of 2021

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Rameshwar Prasad Singh S/o Late Ram Govind Singh Resident of Village-
Rahimpur, P.S.- Parsa Bazar, District- Patna. Presently Residing at Ram
Govind Singh enclave, House No.-4, Gandhi Murti Campus, Patel Nagar,
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector Patna.
3. The District Land Acquisition Officer Patna, District- Patna.
4. The Sub Divisional Officer Sadar, Patna, District- Patna.
5. The Circle Officer Fulwarisharif, Patna, District- Patna.
6. The National High Way Authority of India New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Advocate
For the Respondent/s	:	Mr.Md.Khurshid Alam (AAG 12)
	:	Mr.Md. Ebadur Rehman Shakeb (AC to AAG 12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-09-2022 Though the present writ petition was filed for quashing the encroachment proceedings bearing Encroachment case no. 06 of 2021, initiated by the Circle Officer, Fulwarisharif, Patna i.e. the respondent no. 5, however, this Court finds that only a notice dated 23.01.2021 has been issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), to which, the petitioner has already filed his reply, nonetheless, no order under Section 6(1) of the Act, 1956 has been passed till date and instead, it is the complaint of the petitioner that demolition is



taking place on a day to day basis.

Having regard to the facts and circumstances of the case, this Court directs the respondent no. 5 to consider the reply filed by the petitioner, who has since stood deceased, and pass appropriate orders under Section 6(1) of the Act, 1956, however liberty is also granted to the legal heirs of the petitioner to get themselves substituted in the on-going Land Encroachment case no. 06 of 2021.

The writ petition stands disposed off on the aforesaid terms, however, with a direction that till the final order is passed under Section 6(1) of the Act, 1956 in Encroachment case no. 06 of 2021, by the respondent no. 5, *status quo* existing as on today, shall be maintained.

(Mohit Kumar Shah, J)

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