

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11209 of 2018

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Dhirendra Singh son of Late Mahendra Narayan Singh resident of village -
Dhakjari, P.S. Sonbarsa Kachhari, District - Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Additional Collector Public Grievance Redressal District Saharsa Cum
1st Appellate Authority,
6. The Sub-Divisional Officer, Saharsa.
7. The Sub-Divisional Public Grievance Redressal Officer, Saharsa.
8. The Circle Officer, Kahara, District - Saharsa.
9. The Circle Inspector, Kahara, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amarnath Jha
For the Respondent/s	:	Mr.Subhash Chandra Yadav -Gp15

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 20-09-2022 The present writ petition has been filed
seeking the following reliefs:-

“1(i). For issuance of an appropriate writ
restraining the respondents from taking
any follow up action in view of the order
as contained in Annexure-3 passed by the
Additional collector (Public Grievances
Redressal) District-Saharsa cum 1st
Appellate Authority whereby the C.O.
Kahra, District-Saharsa has been directed
to remove encroachment from the land in



question.

(ii). For direction upon the respondents not to demolish/remove the dwelling house of the petitioner situated on khata no. 58, plot no. 1337 under Mouza Dhakjari, P.S. Sonbarsa Kachhari, District-Saharsa in which petitioner's dwelling house has been situated for more than 106 years.

(iii) For declaration that order dated 20.4.18 as contained in Annexure-3 is illegal and not binding upon the petitioner as the same has been passed without hearing the petitioner."

The Respondents have filed a supplementary counter affidavit wherein it has been admitted that no final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has been passed in connection with Encroachment Case No. 22/2017-2018.

In such view of the matter, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file his objection / show cause reply in the aforesaid Encroachment Case No. 22/2017-2018. Liberty, so sought, is granted.



It is needless to state that the petitioner shall be liable to file his objection / show cause reply within a period of four weeks from today before the Circle Officer, Kahra, District-Saharsa i.e. the Respondent No. 8, whereupon the Respondent No. 8 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, within a period of twelve weeks, thereafter.

It is needless to state that for a period of sixteen weeks from today, status quo, existing as on today qua the plot / house of the petitioner in question, shall be maintained.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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