

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13849 of 2021

Navin Kumar Gupta @ Rinku Kumar Son of Ramesh Kumar Gupta, Resident of Sanhauliganj, P.S. Khagaria and District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Land and Revenue, Government of Bihar, Patna.
3. The District Magistrate, Khagaria.
4. The Superintendent of Police, Khagaria
5. The Dy. Superintendent of Police, Khagaria
6. The Sub-Divisional Officer, Sadar, Khagaria
7. The Officer in-Charge, Town Police Station, Khagaria
8. The Anchal Adhikari, Khagaria
9. The Executive Officer, nagar Parishad (Khagaria Municipality), Khagaria
10. Raj Kumar Fogala, Ex-Vice Chairman Khagaria Municipality Cum M.P. Nominee Khagaria C/o Anchal Adhikari, Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Najmul Hodda, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (AAG 12)
For Intervenor	:	Mr. Subodh Kumar Jha, Advocate
	:	Mr. Roshan Kumar Mishra, Advocate
	:	Mr. Pranav Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-08-2022 In pursuance to the earlier order of this Court dated 25.08.2022, an exhaustive supplementary counter affidavit has been filed by the District Magistrate, Khagaria, wherein it has been stated that though an order dated 11.09.2020 has been passed, purportedly, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), in connection with Encroachment case



no. 2 of 2020-21, however the same does not appear to be in accordance with law, especially in view of the fact that no proper notice was issued to the encroachers under Section 3 of the Act, 1956. Nonetheless, it is submitted that appropriate action is being taken against the then Circle Officer, Khagaria. It is also submitted that a fresh notice shall be issued to the petitioner under Section 3 of the Act, 1956 and after seeking his objections/ show cause reply, appropriate orders shall be passed by the C.O., Khagaria under Section 6(1) of the Act, 1956.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with a direction to the Circle Officer, Khagaria to issue a fresh notice to the petitioner, under Section 3 of the Act, 1956 in the aforesaid Encroachment case no. 2 of 2020-2, seeking his show cause reply/ objections and after considering the same, appropriate orders be passed under Section 6(1) of the Act, 1956.

It is needless to state that the proceedings of the aforesaid Encroachment case no. 2 of 2020-21 shall be concluded within a period of 12 weeks from today and the final order under Section 6(1) of the Act, 1956 shall be



passed, whereafter appropriate consequential action shall be taken forthwith.

(Mohit Kumar Shah, J)

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