

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9094 of 2022

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Rajeev Kumar Dwivedi @ Pappu Dubey Son of Ram Ekbal Dwivedi
Resident of Mohalla- New Gopalpur, Ward no.- 34, P.S.- Town, District- East
Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Commissioner Tirhut Division, Muzaffarpur.
3. The District Magistrate East Champaran, Motihari.
4. The Deputy Collector Land Reform Department Motihari.
5. The Circle Officer Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Y.C. Verma, Sr. Advocate
	:	Mr. Rajesh Kumar, Advocate
	:	Mr. Vishwajeet Kr. Mishra, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy (Gp18)
	:	Mr. Mukul Prasad (AC to GP 18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-07-2022 Though the present writ petition has been filed for quashing the notice dated 09.06.2022, issued by the Circle officer, Motihari, East Champaran i.e. the respondent no. 5 in Encroachment case no. 04 of 2022-23, however it is apparent from the records that no final order has been passed under ***Section 6(1) of Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”)*** and instead, the said notice under ***Section 6(2) of the Act, 1956*** has been issued which is contrary to the Provisions contained in the ***Act, 1956***.

At this juncture, the learned Senior counsel for the



petitioner Sri Ramakant Sharma submits that the petitioner has already filed his objections before the respondent no. 5, nonetheless the petitioner would again be approaching the respondent no. 5 and would be filing supplementary objections/submissions to buttress his stand, which may be directed to be considered by the respondent no. 5 and accordingly, final order under **Section 6(1) of the Act, 1956** may also be directed to be passed, after granting an opportunity of hearing to the petitioner.

Having regard to the facts and circumstances of the case, the writ petition stands disposed off with liberty to the petitioner to file supplementary objections/ submissions before the respondent no. 5 and in case, the same is filed within a period of four weeks from today, it shall be considered by the respondent no. 5 and after granting an opportunity of hearing to the petitioner, the respondent no. 5 shall pass the final order under **Section 6(1) of the Act, 1956** within a period of 12 weeks, thereafter.

It is needless to state that till the final order is passed by the respondent no. 5, *status quo* existing as on today, shall be maintained.

(Mohit Kumar Shah, J)

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