

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9857 of 2022

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1. Sanjay Prasad son of Late Yamuna Prasad, Resident of Village Barahi Bigaha P.S. Chaiksaura, District - Nalanda.
 2. Chhabila Paswan, son of Late Munshi Paswan, Resident of Village Barahi Bigaha P.S. Chaiksaura, District - Nalanda.
 3. Rameshwar Paswan, son of Late Karu Paswan, Resident of Village Barahi Bigaha P.S. Chaiksaura, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Nalanda.
4. The Circle Officer, Hilsa, District - Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lovekush Kumar
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 24-08-2022 Though the present writ petition was filed for quashing the notice dated 26.5.2022, issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 in connection with Encroachment Case No. 4/2022-2023, however, the learned counsel for the petitioners has confined his relief to grant of liberty to the petitioners to appear before the Circle Officer, Hilsa and file additional show cause reply so that the



final decision under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 can be taken by the Circle Officer, Hilsa.

At this juncture, the learned counsel for the Respondent-State has referred to the order-sheet of the aforesaid Encroachment Case No. 4/2022-2023 to submit that the Circle Officer, Hilsa has already passed an order dated 30.4.2022, declaring the land in question to be a Government land, which has been illegally encroached by the encroachers. He has also referred to orders dated 13.6.2022 and 26.5.2022 to submit that the encroachers have been granted ample opportunity to vacate the encroached land.

This Court finds that since the petitioners were granted opportunity upto 10.6.2022 to present their defence, the Circle Officer, Hilsa could not have passed the order dated 25.4.2022 / 30.4.2022 or for that matter, the orders dated 24.5.2022 and 10.6.2022, hence, they are not only contrary to the principles of natural justice but also de hors the law, hence, are



quashed.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of with liberty to the petitioners to file appropriate show cause reply within a period of three weeks from today in the aforesaid Encroachment Case No. 4/2022-2023, whereupon the Circle Officer, Hilsa, Nalanda shall consider the same and pass appropriate final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 within a period of twelve weeks, thereafter.

It is needless to state that in case, appropriate show cause reply is filed within a period of three weeks from today, the Circle Officer, Hilsa, Nalanda shall not take any coercive action against the petitioners till passing of the final orders under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

(Mohit Kumar Shah, J)

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