

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10080 of 2022

Manohar Kumar @ Manohar Kumar Sharma S/o Late Ram Naresh Kishore Singh, Resident of Village - Malipur Pakri, P.O. - Bhasar Machhaha, P.S. - Dumra, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue, Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Deputy Collector Land Reform, Sitamarhi.
4. The Sub-Divisional Officer, Sitamarhi.
5. The Circle Officer, Dumra, Dist. Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-08-2022 The limited prayer of the petitioner in the present case is that without either assigning any encroachment case number or without issuing notice under Section 3 of the Bihar Public Land Encroachment Act,1956 (hereinafter referred to as the ‘Act, 1956’), the Circle Officer, Dumra i.e. the respondent no. 5 has issued a notice dated 23.06.2022, whereby and whereunder the petitioner has been directed to remove the encroachment in question on the premise that directions have been issued by the Hon’ble High Court in CWJC No. 10124 of 2019.

The learned counsel for the petitioner has referred to the order dated 03.05.2019 passed in CWJC No. 10124 of 2019 to submit that in the said case the Hon’ble High Court has directed for hearing the encroachers and then pass appropriate orders for removal of encroachment, if any, in accordance with



law, hence it is submitted that the Hon'ble High Court has not directed for removal of encroachment in question, however, on the contrary it has been directed that the encroachers should be granted appropriate opportunity of hearing, after registering an encroachment case and then appropriate decision be taken, in accordance with law.

In such view of the matter, this Court deems it fit and proper to dispose off the present writ petition with a direction to the respondent no. 5 to register appropriate encroachment case under the provisions of the Bihar Public Land Encroachment Act, 1956, call for a show cause reply from the petitioner and thereafter pass appropriate orders under Section 6(1) of the Act, 1956.

It is made clear that the entire exercise, as aforesaid, should be completed within a period of 16 weeks from today.

For a period of 16 weeks from today, status quo existing as on today qua the house/land of the petitioner herein shall be maintained.

(Mohit Kumar Shah, J)

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