

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21313 of 2021

1. Mantun Kumar Son of Maheshwar Parsad Singh Resident of Village- Naya Nagar, Banni, P.O.- Babu Bagicha, P.S.- Maheshkhunt, Block and Anchal Gogri, District- Khagaria.
2. Santoon Kumar @ Santoon Kumar Singh Son of Maheshwar Prasad Singh Resident of Village- Naya Nagar, Banni, P.O.- Babu Bagicha, P.S.- Maheshkhunt, Block and Anchal Gogri, District- Khagaria.
3. Barelal Singh Son of Jai Singh Resident of Village- Naya Nagar, Banni, P.O.- Babu Bagicha, P.S.- Maheshkhunt, Block and Anchal Gogri, District- Khagaria.
4. Akhilesh Singh @ Akalesh Singh @ Akhilesh Son of Jai Singh Resident of Village- Naya Nagar, Banni, P.O.- Babu Bagicha, P.S.- Maheshkhunt, Block and Anchal Gogri, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue, Government of Bihar, Patna.
3. The Divisional Commissioner, Division Munger.
4. The District Magistrate cum Collector, Khagaria.
5. The Sub-Divisional Officer cum Lok Shikayat Nivaran Officer, Sub-Division, Gogri, District- Khagaria.
6. The Block Development Officer, Gogri Block, District Khagaria.
7. The Block Development Officer, Gogri Block, District- Khagaria.
8. Sri Prabhakar Kumar Son of Late Brijlal Singh Resident of Village- Chandi Tola, Banni, P.O.- Babu Bagicha, P.S.- Maheshkhunt, Block and Anchal Gogri, District- Khagaria.
9. Circle Officer, Gogri, District-Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh
For the Respondent/s : Mr. Md. Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-12-2022 At the outset, the learned counsel for the petitioners seeks permission to add Circle Officer, Gogri, District-Khagaria as party respondent no. 9.



Permission, so sought, is granted. Let the needful be done during the course of the day.

The present writ petition has been filed for quashing the notice dated 19.6.2020, issued by the Circle Officer, Gogri, District-Khagaria i.e. the Respondent No. 9 in connection with Encroachment Case No. 13/2019-20.

The learned counsel for the Respondent-State has filed a 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 till date and only a notice has been issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 on 14.11.2022, hence, the petitioners should file their show cause reply/ objections to the same, which shall be considered by the Respondent No. 9 and appropriate final orders shall be passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law.

Having regard to the facts and circumstances of the case, I deem it fit and proper



to dispose of the present writ petition with liberty to the petitioners to file appropriate reply to the aforesaid notice dated 14.11.2022, before the Respondent No. 9 and in case, such a reply is filed within a period of four weeks from today, the Respondent No. 9 shall consider the same and pass appropriate orders under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 and till then, status quo, existing as on today qua the land / houses of the petitioners in question, shall be maintained.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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