

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.875 of 2019

1. Seth Yadav S/o Raghunath Yadav Resident of Village-Gauchari, P.S.-Balthar, Anchal-Sikta, District-West Champaran.
2. Adalat Mahto S/o Khelawan Mahto Resident of Village-Gauchari, P.S.-Balthar, Anchal-Sikta, District-West Champaran.
3. Kanhaiya Sah @ Kanhaiya Prasad S/o Ambika Prasad Resident of Village-Gauchari, P.S.-Balthar, Anchal-Sikta, District-West Champaran.
4. Moti Yadav S/o Sheo Ratan Yadav Resident of Village-Gauchari, P.S.-Balthar, Anchal-Sikta, District-West Champaran.
5. Prasad Patel S/o Raghunath Patel Resident of Village-Gauchari, P.S.-Balthar, Anchal-Sikta, District-West Champaran.
6. Ramraj Thakur S/o Nakched Thakur Resident of Village-Gauchari, P.S.-Balthar, Anchal-Sikta, District-West Champaran.
7. Nagendra Sah @ Nagendra Prasad S/o Ambika Parsad, Resident of Village-Gauchari, P.S.-Balthar, Anchal-Sikta, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-Cum-District Magistrate, West Champaran at Bettiah.
2. The Collector-Cum-District Magistrate, West Champaran at Bettiah.
3. The Sub-Divisional Officer, Narkatiyaganj, Dist.-West Champaran.
4. The Circle Officer (Anchal Adhikari), Sikta Block, Sikta, District-West Champaran.
5. Chandra Bhushan Mahto S/o Late Shambhu Mahto, Resident of Village-Gauchari, P.S.-Balthar, Anchal-Sikta, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr.Raj Kishore Roy, GP 18
	:	Mr. Abhoy Kr. Kashyap, AC to GP 18

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-08-2022

The present writ petition has been filed for quashing the notice dated 01.06.2018, passed by the respondent no. 4 i.e. the Circle Officer, Sikta Block, Sikta, District-West Champaran in Encroachment case no. 12 of 2017-18.

The learned counsel for the petitioners has submitted that



without passing any final order under **Section 6(1) of the Bihar Public Land Encroachment Act, 1956** (hereinafter referred to as "**the Act, 1956**"), notices have been issued for removal of the encroachment in question, hence, it is prayed that liberty be granted to the petitioners to file appropriate show cause reply and the respondent no. 4 be directed to pass the final order under **Section 6(1) of the Act, 1956**.

Accordingly, the present writ petition stands disposed off, however with liberty to the petitioners to file show cause reply, within a period of four weeks from today, in the aforesaid Encroachment case no. 12 of 2017-18, in case no final order has been passed therein, which shall be considered by the respondent no. 4 and appropriate order shall be passed, in accordance with law, within a period of twelve weeks thereafter, if not already passed. It is needless to state that in case, the final order under **Section 6(1) of the Act, 1956** has been passed, the same shall be supplied to the petitioners, forthwith. In case, no order has been passed under **Section 6(1) of the Act, 1956**, *status quo* existing as on today, shall be maintained for a period of sixteen weeks from today.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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