

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.428 of 2023

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1. Tetar Sahani Son of Bangali Sahani Resident of Village- Belwara Punarvas, Ward No. 15, P.S.- Simri Bakhtiyarpur, District- Saharsa.
 2. Bablu Sahani @ Balveer Kumar, Son of Tanveer Sahani, Resident of Village- Belwara Punarvas, Ward No. 15, P.S.- Simri Bakhtiyarpur, District- Saharsa.
 3. Mostt. Kaju Devi, Wife of Late Geeta Sahani, Resident of Village- Belwara Punarvas, Ward No. 15, P.S.- Simri Bakhtiyarpur, District- Saharsa.
 4. Balveer Sahani, Son of Tetar Sahani, Resident of Village- Belwara Punarvas, Ward No. 15, P.S.- Simri Bakhtiyarpur, District- Saharsa.
 5. Ranveer Sahani, Son of Tetar Sahani, Resident of Village- Belwara Punarvas, Ward No. 15, P.S.- Simri Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Irrigation, Government of Bihar, Patna.
2. The Principal Secretary, Department of Irrigation, Government of Bihar, Patna.
3. The Director, Department of Land Acquisition and Rehabilitation, Government of Bihar, Patna.
4. The District Magistrate, Saharsa, District- Saharsa.
5. The Rehabilitation Officer, Koshi Yojna, Supaul.
6. The Collector-Cum- Circle Officer, Simari Bakhtiyarpur, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bhim Kumar Yadav, Adv.
For the Respondent/s	:	Mr.Sita Ram Yadav, GP-16
		Mr. Jitendra Kumar, AC to GP-16

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-09-2023 The present writ petition has been filed seeking the following relief:-

“1. That this application is being filed for issuance of a writ preferred in the nature of certiorari setting aside the notice dated 13.12.2022 arising out of Encroachment Case No.13/2022-23 served by Collector-cum- Circle Officer, Simari Bakhtiyarpur,



whereby and whereunder petitioners have been directed by the respondents to vacate the land pertaining to Khata No.254 and Khatiyani No.70 illegally while the petitioners are living since long on the lands in question. And/ or any other order/orders, relief/ reliefs for which the petitioners are found to be entitled in the facts and circumstances of the case.”

2. At the outset, the learned counsel for the petitioners submits that in response to the notice, issued by the Circle Officer, Simri, Bakhityarpur, District-Saharsa, under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), in connection with Encroachment Case No. 13 of 2022-23, the petitioners have already filed their representation dated 19.12.2022, which has been annexed as Annexure-1 to the present writ petition, hence, it is prayed that the Circle Officer, Simri, Bakhityarpur, District-Saharsa, be directed to consider the same and pass appropriate orders under Section 6(1) of the Act, 1956, in accordance with law. It is directed, accordingly.

3. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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