

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.673 of 2023

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1. Bharat Prasad Son of Late Dhurv Prasad Resident of Village- Govindpur, P.S.- Areraj, District- East Champaran, Motihari.
 2. Lalan Sah @ Lalan Prasad Son of Late Basant Sah Resident of Village- Govindpur, P.S.- Areraj, District- East Champaran, Motihari.
 3. Kedar Sah Son of Kailash Sah Resident of Village- Govindpur, P.S.- Areraj, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Dept., Govt. of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The Land Reform Deputy Collector, Areraj, East Champaran, Motihari.
5. The Sub Divisional Officer, Areraj, District- East Champaran, Motihari.
6. The Circle Officer, Harsidhi, District- East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate.
For the Respondent/s	:	Mr. Sajid Salim Khan (SC-25)
		Mr. Arif Daula Siddiqui, (AC to SC-25)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2023 Heard Mr. Sharda Nand Mishra, learned counsel appearing on behalf of the petitioners and Mr. Sajid Salim Khan, learned SC-25 appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are aggrieved by ‘Annexure-3’ series by which several notices were issued under the provisions of Bihar Land Encroachment Act, 1956 (hereinafter referred as “the Act, 1956). It is submitted on behalf



of the petitioners that they have filed their detailed show cause in compliance of the notice issued pursuant to action taken under Section 3 of the Act, 1956 and no order has been passed by the Circle Officer, Harsidhi, East Champaran. A further submission has been made that petitioners be given opportunity to be heard before any action taken by Circle Office, Harsidhi, East Champaran on furtherance of the notices contained in 'Annexure-3' series with respect to the petitioners.

3. The main grievance of the petitioners is that there is violation of principle of natural justice as no opportunity has been given to the petitioners to be heard and produce the documents relating to the land in question measuring 0.70 decimal, 02.22 decimal, and 02.41 decimal of land relating to the respective petitioners all appertaining to Khata No. 99, Khesra No. 564, however the Circle Officer has proceeded to demolish the hut of the petitioners.

4. Learned counsel appearing on behalf of the State submitted that he has no instruction as to whether any order has been passed pursuant to the Encroachment Case No. 07/2022-23.

5. Considering the rival submissions of the parties and materials on record the order passed by the Circle Officer,



Harsidhi, East Champaran is directed not to take any action in furtherance of notices contained in 'Annexure-3' series to the writ petition. He is further directed to give due opportunity of hearing to the petitioners so that they may produce evidence regarding their possession over the plots measuring 0.70 decimal relating to Bharat Prasad, 02.22 decimal of land relating to Lalan Prasad and 02.41 decimal of land relating to Kedar Sah all appertaining to Khata No. 99, Khesra No. 564 situated in village- Govindpur, Circle-Harsidhi, District- East Champaran.

6. The petitioners are directed to file their show cause in support of their claim before the Circle Officer, Harsidhi, East Champaran within two weeks.

7. The Circle Officer, Harsidhi is directed to pass reasoned order within a period of four weeks by giving proper opportunity of hearing to the petitioner. Till then the petitioners should not be disturbed in any manner on the plots they claim.

8. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

nilmani/-

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