

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.855 of 2023

1. Ram Nandan Prasad Son of Late Shiv Nandan Prasad Resident of Village-Saare, P.S.-Saare, District-Nalanda.
2. Ranjit Ram Son of Late Shiva Lal Ram Resident of Village-Saare, P.S.-Saare, District-Nalanda.
3. Prabhu Das Son of Late Sahodar Das Resident of Village-Saare, P.S.-Saare, District-Nalanda.
4. Bhaso Ram Son of Late Bajrangi Ram Resident of Village-Saare, P.S.-Saare, District-Nalanda.
5. Ravindra Ram Son of Late Jaipal Ram Resident of Village-Saare, P.S.-Saare, District-Nalanda.
6. Baleshwar Ram Son of Late Jaipal Ram Resident of Village-Saare, P.S.-Saare, District-Nalanda.
7. Guddu Kumar Son of Late Jaipal Ram Resident of Village-Saare, P.S.-Saare, District-Nalanda.
8. Sadan Ram Son of Late Sadhu Ram Resident of Village-Saare, P.S.-Saare, District-Nalanda.
9. Rajkumar Ram Son of Late Badhan Ram Resident of Village-Saare, P.S.-Saare, District-Nalanda.
10. Ram Varan Ram Son of Late Bangali Ram Resident of Village-Saare, P.S.-Saare, District-Nalanda.
11. Mithilesh Kumar Son of Late Indra Dev Ram Resident of Village-Saare, P.S.-Saare, District-Nalanda.
12. Nandelal Das Son of Late Pachu Ravidas Resident of Village-Saare, P.S.-Saare, District-Nalanda.
13. Manju Devi Wife of Late Jhabbar Ram Resident of Village-Saare, P.S.-Saare, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Land and Revenue Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate Cum Collector, District-Nalanda.
4. The Sub-Divisional Officer, Nalanda.
5. The Sub-Divisional Police Officer, Nalanda.
6. The Circle Officer, Asthavan, Nalanda.
7. The Officer In-Charge, Saare Police Station District-Nalanda.
8. The Circle Inspector, Sare, District-Nalanda.
9. The Revenue Karmchari, Sare, District-Nalanda.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar, Advocate
For the Respondent/s : Mr. Ebadur Rahman Shakeb, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-01-2023 Heard Mr. Nishant Kumar, learned counsel appearing on behalf of the petitioners and Mr. Ebadur Rahman Shakeb, learned counsel appearing on behalf of the respondent/s.

Petitioners, who are from weaker section are aggrieved by notices dated 22.12.2022 contained in ‘Annexure-3’ series issued from the office of the Circle Officer, Asthavan, Nalanda containing order passed under sub-Section 2 of Section 6 of the Bihar Public Land Encroachment Act, 1956.

Learned counsel appearing on behalf of the petitioners submitted that the Circle Officer, Asthavan, Nalanda had passed the said order in compliance of the order dated 11.08.2022 passed in CWJC No. 10660 of 2022. He further submitted that the petitioners filed their written show case but without giving proper opportunity of hearing and in gross violation of the provisions of Bihar Public Land Encroachment Act, 1956, the impugned order dated 22.11.2022 has been passed. Thereafter, petitioners had preferred Appeal Case No. 01 of 2023 against the order dated 22.11.2022 passed by the Circle Officer,



Asthavan, Nalanda. He further submitted that the said appeal was filed on 3rd January, 2023 but no action has been taken by the Collector, Nalanda to fix the date for hearing of the Appeal in accordance with law and in the meantime, the Circle Officer, Asthavan, Nalanda has proceeded to demolish the dwelling houses of the petitioners.

Learned counsel appearing on behalf of the State seeks time to file counter affidavit.

Considering the submission made on behalf of the petitioners and the materials on record, it appears that during the pendency of the Appeal Case No. 01 of 2023, the Circle Officer, Asthavan, Nalanda has proceeded to demolish/dispossess the petitioners, who are landless people.

The notices contained in 'Annexure-3' series, which are individually served upon all the 13 petitioners are hereby stayed till the disposal of the Appeal Case No. 01 of 2023.

The District Magistrate, Nalanda is directed to fix the date of hearing in Appeal Case No. 01 of 2023 on any working day in week starting on 29th January, 2023 and communicate the date so fixed to the petitioners for providing them personal hearing and thereafter, the Appeal shall be disposed of preferably within a period of six weeks.



Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

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