

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13041 of 2017

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1. Smt. Tetri Devi W/o Sri Baliram Yadav,
 2. Puna Prasad Yadav @ Puna Yadav, S/o Late Narayan Prasad Yadav, Resident of Village- Farha Rahiabad, Tola Pandey Bigha, Pargana- Samay, P.S.- Akbarpur, Distt- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The State of Bihar through Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
3. The District Magistrate, Nawada.
4. The Additional District Magistrate, Nawada.
5. The Sub-Divisional Officer, Nawada.
6. The Circle Officer, Nawada Sadar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Waliur Rahman, Advocate
	:	Mr. Nishant Kr. Sinha, Advocate
For the Respondent/s	:	Mr.Raj Kishore Roy-GP18
	:	Mr. Navnit Kumar, AC to GP 18

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-04-2023 The present petition has been filed seeking the following relief :-

“(1) For issuance of an appropriate writ/ writs, order/ orders, command/ command, direction/ directions :-

(i) For quashing the purported notice dated 19/08/2017 in a Land Encroachment Case No-02/17-18, under Section 6 (2) of the Bihar Public land Encroachment Act 1956 under the signature of circle officer, Nawada Sadar and directed the petitioners to vacate



the premises in question, otherwise the same is removed with the help of administration and expenses accrued recover petitioners where the petitioners are residing more than decades after constructing their house thereupon

(ii) For further direct the respondent authority not to dispossess the petitioners from the land in question without following the procedure as prescribed under the Bihar Public Land Encroachment Act taking into consideration the principal of Audi-alteram partem.

(iii) For further direction to the authorities to restrain the respondents not to dispossess the petitioners from their house over the land in question till the disposal of the writ petition.”

At the outset, the learned counsel for the petitioners, considering the fact that the final order under **Section 6(1) of the Bihar Public Land Encroachment Act, 1956** (hereinafter referred to as “**the Act, 1956**”) has been passed by the Circle Officer, Nawada Sadar on 09.08.2012, in connection with Encroachment case no. 02 of 2017-18, seeks liberty on behalf of the petitioners to file appropriate appeal under **Section 11 of the Act, 1956**. Liberty so sought, is granted.

It is needless to state that in case, appropriate



appeal is filed within a period of four weeks from today, the appellate authority shall examine the same on merits, without being impeded by the issue of limitation and pass a reasoned and a speaking order, forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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