

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2344 of 2023

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1. Shivnandan Pal Son of Ram Pati Pal R/o Village-Dhangain, Police Station-Jamhore, District-Aurangabad.
 2. Manoj Pal Son of Ram Nandan Pal R/o Village-Dhangain, Police Station-Jamhore, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat Building, Patna-800015.
2. The District Magistrate, Aurangabad (Bihar)
3. The Circle Officer, Barun, District-Aurangabad.
4. The Revenue Clerk, Barun Circle, District-Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-09-2023 1. The present writ petition has been filed seeking the following reliefs:-

“i) For issuance of appropriate writ/ writs, order/ orders, direction/ directions, directing the respondents to produce the records of encroachment proceeding initiated against the petitioners with respect to land appertaining to Khata No. 140, plot no. 640, thana No. 32 situated in village- Dhangain, P.S. Jamhore, District-Aurangabad over which the petitioners have their only respective houses, and thereafter quash the same, as it has been done in gross violation of



Bihar Public Land Encroachment Act 1956 and against the principles of natural justice by Respondent No. 3.

(ii) For quashing of notice issued to the petitioners by respondent no. 3, under section 3 of the Bihar Public Land Encroachment Act, 1956, as it has been done by respondent no. 3, without even initiating a proceeding under the Bihar Public Land Encroachment Act, 1956.

iii) For further direction/ directions to the respondents, particularly respondent no. 3, directing them to restrain from demolishing the house of the petitioners.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objections to the notice issued by the Circle Officer, Barun, under Section 3 of the Bihar Public Land Encroachment Act, 1956.

3. Considering the aforesaid prayer made by the learned counsel for the petitioners, I deem it fit and proper to observe that in case the aforesaid encroachment proceedings have not yet been concluded, the petitioners shall be at liberty to file their objections to the aforesaid notice issued by the Circle Officer, Barun, under Section 3 of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks from today, whereupon the Circle Officer, Barun shall pass the final



order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks, thereafter.

4. It is needles to state that for a period of eight weeks from today, status quo existing as on today qua the land/house of the petitioner in question shall be maintained.

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

(Mohit Kumar Shah, J)

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