

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3335 of 2023

1. Ganesh Sah Son of Late Mahadev Sah Resident of Ward no. 12, Village-Champapur, P.S. Ramgarwha, Post Champapur, East Champaran, Bihar 845433.
2. Paras Sah Son of Late Mahadev Sah Resident of Ward no. 12, Village-Champapur, P.S. Ramgarwha, Post Champapur, East Champaran, Bihar 845433.
3. Chotelal sah Son of Late Mahadev sah Resident of Ward no. 12, Village-Champapur, P.S. Ramgarwha, Post Champapur, East Champaran, Bihar 845433.
4. Mahesh Sah Son of Late Mahadev Sah Resident of Ward no. 12, Village-Champapur, P.S. Ramgarwha, Post Champapur, East Champaran, Bihar 845433.
5. Lalan Sah Son of Late Mahadev Sah Resident of Ward no. 12, Village-Champapur, P.S. Ramgarwha, Post Champapur, East Champaran, Bihar 845433.
6. Lal Babu Sah @ Lal babu Prasad Son of Late Bharat Sah Resident of Ward no. 12, Village-Champapur, P.S. Ramgarwha, Post Champapur, East Champaran, Bihar 845433.
7. Siyamati Devi Wife of Kishori Sah Resident of Ward no. 12, Village-Champapur, P.S. Ramgarwha, Post Champapur, East Champaran, Bihar 845433.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector Cum District Magistrate, East Champaran,
3. Additional Collector, East Champaran,
4. The Sub-Divisional Officer, East Champaran,
5. The Circle Officer, Ramgarhwa, East Champaran,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-03-2023 Though the present writ petition has been filed for
quashing the order dated 26.08.2022, passed by the Circle



Officer, Ramgarhwa, East Champaran in connection with Encroachment case no. 11 of 2019-20, whereby and whereunder the land in question has been held to be a public land merely on account of the petitioners having not responded to the notice issued to them under ***Section 3 of Bihar Public Land Encroachment Act, 1956*** (hereinafter to be referred to as ***the Act, 1956***) and they having not filed any objections, however, liberty is sought for by the learned counsel for the petitioners, on behalf of the petitioners to file objections, whereafter, the Circle Officer, Ramgarhwa may pass fresh order under ***Section 6(1) of the Act, 1956***.

The learned counsel appearing for the respondent- State submits that in case, the petitioners file their objections within a period of four weeks from today to the notice issued to them under ***Section 3 of the Act, 1956***, in connection with Encroachment case no. 11 of 2019-20, the Circle officer shall definitely pass a fresh order under ***Section 6(1) of the Act, 1956***, in accordance with law.

Having regard to the aforesaid facts and circumstances of the case, I deem it fit and appropriate to declare the order dated 26.08.2022, passed by the Circle Officer, Ramgarhwa in connection with Encroachment case no. 11 of



2019-20, as null and void. The petitioners are granted liberty to file objections/ show cause replies within a period of four weeks from today, whereupon the Circle Officer, Ramgarhwa shall pass final order under ***Section 6(1) of the Act, 1956***, forthwith.

It is needless to state that in case, no objections/ show cause replies are filed within a period of four weeks from today, the aforesaid order dated 26.08.2022 would revive and shall be enforced by the Circle Officer, Ramgarhwa, in its true letter and spirit.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

