

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11375 of 2022

1. Radhamohan Singh son of Rudal Singh resident of Village- Gopalpur, P.O.- Motihari, P.S.- Nagar, District- East Champaran.
2. Shayam Kumar, son of Rambalak Singh, resident of Village- Gopalpur, P.O.- Motihari, P.S.- Nagar, District- East Champaran.
3. Ravindra Kishore Singh, son of Trilokinath Singh, resident of Village- Gopalpur, P.O.- Motihari, P.S.- Nagar, District- East Champaran.
4. Tara Devi, wife of Dharmendra Kumar Dubey, resident of Village- Gopalpur, P.O.- Motihari, P.S.- Nagar, District- East Champaran.
5. Pramesh Srivastava @ Pramesh Kumar Srivastava, son of Shiv Kumar Srivastava, resident of Village- Gopalpur, P.O.- Motihari, P.S.- Nagar, District- East Champaran.
6. Amit Kumar @ Antu Srivastava, son of resident of Village- Gopalpur, P.O.- Motihari, P.S.- Nagar, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
3. The Collector, District- East Champaran.
4. The Sub- Divisional Officer, Motihari, District- East Champaran.
5. The Circle Officer, Sadar Motihari, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-05-2023 Though the present writ petition has been filed for quashing the notice dated 09.06.2022, issued by the Circle officer, Sadar Motihari, East Champaran i.e. the respondent no. 5 in Encroachment case no. 04 of 2022-23, however it is apparent from the records that no final order has been passed under Section 6(1) of Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as "the Act, 1956") and instead, the



said notice under Section 6(2) of the Act, 1956 has been issued which is contrary to the Provisions contained in the Act, 1956.

At the outset, the learned counsel for the petitioners submits that the petitioners have already filed their objections before the Circle Officer, Sadar Motihari, East Champaran, i.e. the Respondent No. 5, hence, the Respondent No. 5 be directed to pass the final order under Section 6(1) of the Act, 1956 and till then, the Respondent No. 5 be directed not take any coercive action qua the petitioners.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Respondent No. 5 to pass the final order under Section 6(1) of the Act, in accordance with law and upon considering the objections already filed by the petitioners, which have been annexed as Annexure-5 series to the present writ petition and till the final order is passed, status quo, existing as on today qua the land / houses of the petitioners, shall be maintained.

At this juncture, the learned counsel for the petitioners submits that the petitioners be granted liberty to file supplementary objections / representation, if so advised. This Court deems it fit and proper to grant two weeks' time to the petitioners to do the needful.



The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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