

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12789 of 2022

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1. Wakil Singh Son of Late Rajeshwar Singh, Resident of Village - Ular, Police Station - Dulhin Bazar, District - Patna.
 2. Yugal Singh Son of Late Ram Bilash Singh, Resident of Village - Ular, Police Station - Dulhin Bazar, District - Patna.
 3. Suryanath Singh Son of Late Ram Bachan Singh, Resident of Village - Ular, Police Station - Dulhin Bazar, District - Patna.
 4. Arun Kumar Son of Late Rajeshwar Singh, Resident of Village - Ular, Police Station - Dulhin Bazar, District - Patna.
 5. Rakesh Kumar Son of Late Rajeshwar Singh, Resident of Village - Ular, Police Station - Dulhin Bazar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector-cum-District Magistrate, Patna.
3. The Land Reforms Deputy Collector, Paliganj, Patna.
4. The Anchaladhikari, Dulhin Bazar, District- Patna.
5. The Anchaladhikari, Paliganj, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc 19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 04-07-2023

1. The present writ petition has been filed seeking the following relief:-

“1. I. For issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction commanding upon the respondents to stay the operations of notice, served upon the petitioners vide Memo no.973 dated 25.07.2022, issued u/s 6(2) of Bihar Public Land Encroachment Act, 1956, issued by the



Anchaladhikari, Dulhin Bazar, Patna whereby and whereunder petitioners have been directed to remove encroachment from the public land within a period of 30 days from the date of receipt of notice, apertaining to Thana no.245, Plot no.100, Khesra no.470, area-10 decimals within Mauza Ular, District-Patna.

II. For holding that the notice dated 25.07.2022 served upon the petitioners by the respondent no.04 is completely unreasonable, arbitrary, not acceptable in the eye of law in as much as has been issued without taking into consideration the reply filed by the petitioners on 30.07.2019 before the learned Court of Anchalahdikari, Dulhin Bazar in Encroachment Case no.03/19-20.”

2. At the outset, the learned counsel for the respondents has referred to the counter affidavit, filed by the District Magistrate, Patna, more particularly, paragraphs no.8 and 9, thereof, wherein it has been stated that the notice under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, has been issued by the Circle Officer, Dulhin Bazar, in connection with Encroachment Case No.03 of 2019-20, without passing any order under Section 6(1) of the Act, 1956, which is illegal, hence the notice dated 25.07.2022, has been cancelled and the Additional Collector, Patna has been directed to dispose



off the Jamabandi Cancellation Case No.159 of 2022-23, in accordance with law.

3. At this juncture, the learned counsel for the petitioners submits that the petitioners be granted adequate opportunity to present their case in the aforesaid Jamabandi Cancellation Case No.159 of 2022-23.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file their reply/objection in the aforesaid Jamabandi Cancellation Case No.159 of 2022-23, pending before the learned Court of Additional Collector, Patna, within a period of four weeks from today, whereupon the Additional Collector, Patna shall consider the same and pass a reasoned and a speaking order, in accordance with law, forthwith and till then no coercive action shall be taken against the petitioners.

5. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

Saurav/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2023
Transmission Date	NA

