

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15017 of 2023**

1. Dharmendra Singh @ Dharmendra Kumar Singh Son of Suresh Singh, resident of Village-Arra, Panchayat-Panapur, P.O.-Sondhi, P.s.-Mohaniya, District-Kaimur (Bhabhua).
2. Ramdayal Singh, son of Late Sri Hari Singh, resident of Village-Arra, Panchayat-Panapur, P.O.-Sondhi, P.s.-Mohaniya, District-Kaimur (Bhabhua).
3. Gorakh Nath Paswan @ Gorakh Paswan, son of Late Ramjanam Paswan, resident of Village-Arra, Panchayat-Panapur, P.O.-Sondhi, P.s.-Mohaniya, District-Kaimur (Bhabhua).
4. Bachau Singh Kushwaha @ Baldau Singh son of Late Sukhdev Singh, resident of Village-Arra, Panchayat-Panapur, P.O.-Sondhi, P.s.-Mohaniya, District-Kaimur (Bhabhua).
5. Sachita Singh @ Sachidanand Singh son of Ram Shankar Singh, resident of Village-Arra, Panchayat-Panapur, P.O.-Sondhi, P.s.-Mohaniya, District-Kaimur (Bhabhua).
6. Sri Ram Singh, son of Shiv Shankar Singh, resident of Village-Arra, Panchayat-Panapur, P.O.-Sondhi, P.s.-Mohaniya, District-Kaimur (Bhabhua).
7. Mana Devi Wife of Hira Singh, resident of Village-Arra, Panchayat-Panapur, P.O.-Sondhi, P.s.-Mohaniya, District-Kaimur (Bhabhua).
8. Anil Paswan, son of Late Shivmurat Paswan, resident of Village-Arra, Panchayat-Panapur, P.O.-Sondhi, P.s.-Mohaniya, District-Kaimur (Bhabhua).
9. Premchandra Paswan, son of Late Shivmurat Paswan, resident of Village-Arra, Panchayat-Panapur, P.O.-Sondhi, P.s.-Mohaniya, District-Kaimur (Bhabhua).
10. Sunil Paswan, son of Late Shivmurat Paswan, resident of Village-Arra, Panchayat-Panapur, P.O.-Sondhi, P.s.-Mohaniya, District-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Magadh Division, Patna.
2. The Commissioner, Magadh Division, Patna.
3. The District Magistrate, Kaimur, District-Bhabhua.
4. The Sub-Divisional Officer cum Public Grievance Redressal Officer, Mohaniya, Kaimur, District-Bhabhua.
5. The Circle Officer, Mohaniya, Kaimur, District-Bhabhua.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Sumit Kumar Jha, Adv.



For the Respondent/s : Ms.Riva Giri, Adv.  
Ms.Rakchika Shekhar, Adv.  
Mr.Sajid Salim Khan, SC-25  
Mr.Wasi Ahmad Khan, AC to SC-25

---

---

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      07-11-2023      1. The present writ petition has been filed seeking  
the following relief(s):-

*“1.i. To issue writ/order or direction in the nature of Certiorari for setting aside the order/notice dated 18.09.2023 passed by Circle Officer, Mohaniya in Encroachment Case No. 02/2023-24 by which the learned Circle Officer informed the petitioners that the encroachment of the land will be forcefully vacated/removed on 3.10.2023 under Section 7 of the Bihar Public Land Encroachment Act, 1956.*

*ii. To issue writ/order or direction in the nature of Mandamus restraining the respondents from demolishing the residential house of the petitioners.*

*iii. To issue writ/order or direction in the nature of mandamus restraining the respondents from disturbing the petitioners to enjoy the peaceful possession of his lands/properties.*

*iv. To hold and declare that the proceeding conducted by the respondent Circle Officer, Mohaniya in relation to Encroachment Case No. 02/2023-24 is contrary to the provisions of Bihar Public Land Encroachment Act, 1956.*

*v. For a direction to the respondent authorities to*



*dispose off the application of the petitioners regarding settlement of the land in question after considering the fact that the petitioners are residing over the land in question since last 80 years.*

*vi. To pass interim/ad-interim order restraining the respondents authorities from disturbing the peaceful possession of the petitioners and restraining the respondents from demolishing the residential house of the petitioners till the disposal of the writ application.”*

2. At the outset, the learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record, wherein it has been stated that since the proper procedure, as per the provisions contained in Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the ‘Act, 1956), has not been followed by the Circle Officer, Mohaniya, District-Kaimur at Bhabhua, in connection with Encroachment Case No. 2 of 2023-24, the further proceedings of the said encroachment case has been suspended at the moment, nonetheless, the petitioners may file their objections, before the Circle Officer, Mohaniya, District-Kaimur at Bhabhua, whereafter the Circle Officer, Mohaniya, District-Kaimur at Bhabhua, shall pass the final order under Section 6(1) of the Act, 1956, in accordance with law.



3. In view of the aforesaid, the learned counsel for the petitioners prays that four weeks' time be granted to the petitioners for filing their objections before the Circle Officer, Mohaniya, District-Kaimur at Bhabhua, in connection with Encroachment Case No. 2 of 2023-24. Time so sought is granted.

4. It is needless to state that in case the petitioners file appropriate objections, within a period of four weeks from today, before the Circle Officer, Mohaniya, District-Kaimur at Bhabhua, as aforesaid, the same shall be considered, in accordance with law and the final order under Section 6(1) of the Act, 1956, shall be passed by the Circle Officer, Mohaniya, District-Kaimur at Bhabhua, forthwith and till then, status quo existing as on today qua the land/house of the petitioners in question shall be maintained.

5. Nevertheless, it is directed that the Circle Officer, Mohaniya, District-Kaimur at Bhabhua shall be obliged to pass the final order under Section 6(1) of the Act, 1956, in connection with Encroachment Case No. 2 of 2023-24, within a period of 12 weeks, from today.

6. At this juncture, the learned counsel for the petitioners seeks a direction upon the respondent-authorities to



dispose off the applications of the petitioners regarding settlement of land in question in their favour. In case such applications have been filed by the petitioners and are still pending consideration, the same are directed to be disposed off, in accordance with law, within a period of four weeks of receipt/production of a copy of this order.

7. The present writ petition stands disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

sonal/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

