

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18424 of 2022

1. Ataur Rahman son of Late Rahamtullah resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.
2. Anaitur Rahman @ Enayatur Rahman son of Late Rahamtullah resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.
3. Obeidur Rahman son of Late Rahamtullah resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Sub-Divisional Magistrate, Hathua, Gopalganj.
4. The Deputy Collector, Land Reforms, Hathua, Gopalganj.
5. The Circle Officer, Phulwaria, Gopalganj.
6. Sh Shyam Sunder Ray, the Circle Officer, Phulwaria, Gopalganj.
7. Safid son of Late Salim resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.
8. Rafi Ahamad son of Late Salim resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.
9. Ekramul Haque son of Late Khursheed Ali resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.
10. Mazhar Imam @ Mazhal Imam son of Late Aehshanul Haque resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.
11. Safdar Imam son of Aehshanul Haque resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.
12. Saukat Imam son of Late Aehshanul Haque resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.
13. Matiure S/o Late Zaheddin resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.
14. Aainul Haque S/o Late Nabi Miya resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.
15. Sherazul Haque S/o Late Naki Miya resident of village- Churamanchak, P.O.- Bhagwat Parsha, Anchal and P.S.- Phulwariya, District- Gopalganj.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Vagisha Pragya Vacaknavi, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 03-07-2023

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

“That this is a writ petition on behalf of the petitioners for issuance of a writ of certiorari or writ in the nature thereof or any other appropriate writ/order/direction for quashing notice-cum order dated 07.11.2022 of the respondent-the Circle Officer, Phulwaria, Gopalganj issued against the petitioners whereby and where under the petitioners have been asked to submit documents relating to their possession on 24.07.2022 (although notice is signed on 07.11.2022 and served on 07.11.2022 on Petitioner No. 1) and at the same time, directed to vacate the alleged encroachment (as described in the table in the notice at SL.No.3) over the land comprised in Khata No.117, Plot No.132, area 3 decimal out of 30 decimal, Thana No.889, Mauza-Churamanchak, failing which



appropriate legal proceeding shall be initiated.”

2. At the outset, the learned counsel for the petitioners raises a grievance to the effect that the Circle Officer, Phulwariya, District-Gopalganj has issued a notice dated 07.11.2022, by which he has on the one hand directed the petitioners to produce documents and evidence in support of their right, title and possession over the land in question, while on the other hand, he has directed the petitioners to voluntarily remove the encroachment in question, hence it is submitted that the Circle Officer, Phulwariya, District-Gopalganj be directed to consider the objection/reply to the show cause notice dated 07.11.2022, already filed by the petitioners and then pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

3. 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 fresh objections, annexing documents/evidence in



support of their right, title and interest over the land in question, within a period of four weeks from today, which shall be considered by the Circle Officer, Phulwariya, District-Gopalganj and then the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 shall be passed within a period of six weeks, thereafter and till then no coercive action shall be taken against the petitioners herein.

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

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.07.2023
Transmission Date	N/A

