

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18118 of 2022

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Ajay Ray @ Pappu @ Ajay Kumar Ray Son of Chunni Roy @ Chunni Lal Roy, Resident of Mohalla- Laheriasarai, Ward No.-45, Ray Sahav Pokhar, Navtoliya, Police Station- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The Sub-Divisional Officer, Sadar, Darbhanga.
5. The Circle Officer, Bahadurpur, Darbhanga.
6. The Block Development Officer, Bahadurpur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary,Adv.
For the Respondent/s : Mr.Md. Khurshid Alam,AAG-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 08-05-2023 The present writ petition has been filed seeking the following relief:-

“1. That the present writ application is being filed for issuance of an appropriate writ/writs, direction/directions, order/orders for setting aside the notice dated- 17.11.2022 issued by the Circle officer, Bahadurpur, Darbhanga whereby and where under the petitioner has been directed to remove the encroachment made by him upon the public land bearing Khesra No. 1618, 2153 (old) and 1405, 1406 (New) measuring an area of 4 Katha and 18 dhurs situated at village- Navtoliya, Ward No. 45, Laheriasarai, Darbhanga till 26.11.2022 otherwise he has to face proceeding under



section 188 of the Indian Penal Code.”

The learned counsel for the respondent-State has admitted by referring to the counter affidavit, filed in the present case that the Encroachment Case No. 8 of 2017-18, pending before the Circle Officer, Bahadurpur i.e. respondent no. 5, has not yet been concluded and moreover, its proceedings have not been conducted as per the provisions contained in the Bihar Public Land Encroachment Act, 1956, (hereinafter referred to as the 'Act, 1956'), hence, it is submitted that the petitioner, if so advised, may file his objection/representation, within a stipulated time frame, whereupon, the respondent no. 5 shall pass the final order under Section 6(1) of the Act, 1956.

In view of the aforesaid, the learned counsel for the petitioner seeks two weeks' time for filing appropriate objection/representation before the respondent no. 5 in the aforesaid Encroachment Case No. 8 of 2017-18 and submits that some protection be granted during the interregnum period.

Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file his objection/representation before the



respondent no. 5, in the aforesaid Encroachment Case No. 8 of 2017-18, within a period of two weeks from today, whereupon the respondent no. 5 shall consider the same and pass appropriate final order under Section 6(1) of the Act, 1956. It is needless to state that in case objection/representation is filed by the petitioner within a period of two weeks from today, status quo existing as on today, qua the land/house of the petitioner in question, shall be maintained till passing of the final order by the respondent no. 5.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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