

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18326 of 2022

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1. Nathan Ram Son of Umesh Ram, Resident of Village Asaiy, Ward No. 14 Kedalipatti, Police Station Nauhatta, District Saharsa.
 2. Thako Mukhiya Son of Sundar Mukhiya, Resident of Village Asaiy, Ward No. 14 Kedalipatti, Police Station Nauhatta, District Saharsa.
 3. Mahesh Sah Son of Janak Sah, Resident of Village Asaiy, Ward No. 14 Kedalipatti, Police Station Nauhatta, District Saharsa.
 4. Jiwach Yadav Son of Bhup Narayan Yadav, Resident of Village Paharpur, Ward No. 12 Kedalipatti, Police Station Nauhatta, District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhavan, Patna.
2. The District Magistrate, Supaul.
3. The Rehabilitation Officer, Koshi Yojana, Supaul.
4. The Circle Officer, Nauhatta Circle, District Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey, Advocate
For the Respondent/s : Mr.Vinay Kirti Singh (Ga 2)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-07-2023 The present writ petition has been filed seeking the following relief:-

“1. That this is application for issuance of writ/writs, order/orders, direction/ directions including a writ in the nature of certiorari for quashing the notice dated 14.11.2022 sent to the petitioners by Circle Officer, Nauhatta, District Saharsa under section 3 of the Bihar Land Encroachment Act, 1956 and notice dated 8.12.2022 which was issued under the provision of section 6 of the Bihar Land Encroachment Act,



1956 without passing any order on the reply given by petitioners in light of the notice issued to the petitioners by the Rehabilitation Officer, Koshi Yojana, Supaul on different dates and without considering the fact that the petitioners are rehabilitated by the government and living since long and further direct the respondents to re-examine the matter in the light of letter dated 8.9.2016 issued under the signature of Respondent No. 1 and take a decision with regard to the petitioners and further direct the respondents nos. 3 and 4 not to take any coercive action against the petitioners without verifying the plot and without implementation of the order dated 8.9.2016 and further direct the respondents not to disturb the petitioners in residing over the land because the petitioners are rehabilitated persons and living since long and further till the disposal of the case no action ought to have been taken and for any other relief or reliefs be granted to the petitioners as they are found legally entitled in the facts and circumstances of the case.”

At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the District Magistrate, Supaul for consideration of their case in terms of the letter issued by the Principal Secretary, Water Resources Department, Government of Bihar, Patna, dated 08.09.2016,



written to the District Magistrate, Supaul/Saharsa/Madhubani and Darbhanga.

Having regard to the limited prayer, made by the petitioners, in the present writ petition, I deem it fit and proper to grant liberty to the petitioners to file appropriate petition before the District Magistrate, Supaul, annexing a copy of the aforesaid letter dated 08.09.2016, within a period of four weeks from today, whereupon the District Magistrate, Supaul shall consider the same and pass a reasoned and a speaking order, in accordance with law, within a period of eight weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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