

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2989 of 2024

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1. Munilal Yadav Son of Jageshwar Yadav Resident of Village- Kishanpur, P.S.- Rajoun, District- Banka.
 2. Ram Lakhan Yadav @ Lakhan Yadav, Son of Sigeswar Yadav Resident of Village- Kishanpur, P.S.- Rajoun, District- Banka.
 3. Anant Yadav, Son of Bhusi Yadav Resident of Village- Kishanpur, P.S.- Rajoun, District- Banka.
 4. Pradeep Kumar, Son of Mebalal Yadav Resident of Village- Kishanpur, P.S.- Rajoun, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Sub- Divisional Officer, Banka.
4. The Sub- Divisional Police Officer, Banka.
5. The Circle Officer Rajoun, District- Banka.
6. Station House Officer, Rajoun, District- Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Respondent/s : Mr.Jitendra Kumar, AC to EX-AAG-11

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For commanding the respondents to withdraw/stay the notice dated 15/12/2023 in Encroachment Case No.33/22-23 and not to remove the little portion of the residential house of petitioners in Khata No-138, Khesra No-73, Thana No.604, area 0.92 decimal of land of Petitioner No.1, 1.01 decimal land of



Petitioner No.2, 4.01 decimal land of petitioner No.3, 0.44 decimal of land of Petitioner No.4 situated in village Kishanpur, P.S Rajaon District- Banka, because the petitioners have no other house where they can live.

(ii) For commanding the stay of the order of the C.O to remove the encroachments of petitioners till 30/12/2023 as per the notice given to petitioners in notice dated 15/12/2023.

(iii) For commanding the respondent authorities to do re-measurement of the said land in proper way.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Circle Officer, Rajoun, District-Banka by filing appropriate objection to the notice, issued against him, in connection with Encroachment Case No.33 of 2022-23, however, seek some protection during the interregnum period.

3. Per contra, the learned counsel for the respondent-State submits that it is true that the encroachment proceedings have not yet been concluded, nonetheless, in case the petitioners file their objections, within a period of two weeks from today, the Circle Officer, Rajoun, District-Banka shall definitely pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, forthwith.



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 objections, before the Circle Officer, Rajoun, District-Banka in the aforesaid encroachment proceedings, within a period of two weeks from today, whereupon the Circle Officer, Rajoun, District-Banka shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, forthwith.

5. It is needless to state that in case appropriate objections are filed by the petitioners, within a period of two weeks from today, no coercive action shall be taken against him, till the passing of the final order, by the Circle Officer, Rajoun, District-Banka, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.33 of 2022-23.

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

(Mohit Kumar Shah, J)

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