

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3337 of 2020

Uma Shankar Rai Son of Late Fauzdar Rai Resident of Village- Chakdah
Pachdahi, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Land Revenue, Government of Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
5. The Sub-Divisional Officer, East Muzaffarpur, District- Muzaffarpur.
6. The Circle Officer, Sakra, District- Muzaffarpur.
7. The Anchal Amin, Sakra, District- Muzaffarpur.
8. Pankaj Kumar Son of Uma Shankar Prasad Singh Resident of Village-
Madhkaul, P.S.- Belsand, District- Sitamarhi at present posted as Circle
Officer Sakra, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar, Adv.
For the Respondent/s : Mr.Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-11-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.[A] For issuance of an appropriate writ order
or direction quashing the notice dated 17-01-
2020 (Annexure- 9) issued under sub-section-2 of
Section-6 of the Bihar Public Land Encroachment
Act, 1956, whereby, without passing any final
order and without initiating any proper
proceeding under the Bihar Public Land
Encroachment Act, 1956, the petitioner has been
directed to remove the alleged encroachment*



made over government land, appertaining to Khata No-162, Khesra No-326, without disclosing the area, which is against law, arbitrary and in complete violation of the principles of natural justice.

[B] For issuance of an appropriate writ order or direction, directing the respondents not to interfere in the peaceful possession of the petitioner over his own raiyati land.

[C] For issuance of an appropriate writ order or direction, directing the respondents not to declare the petitioner as encroacher over the land in dispute, without initiating properly constituted proceeding, in accordance with law.”

2. Though a counter affidavit has been filed in the present case by the District Magistrate, Muzaffarpur, however, no final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘the Act, 1956’), in connection with Encroachment Case No.1 of 2019-20, initiated by the Circle Officer, Sakra, District- Muzaffarpur has been brought on record of the present case, which gives rise to the presumption that no such order is in existence.

3. In view of the aforesaid, the learned counsel for the petitioner submits that the petitioner be granted fresh opportunity to file his objection before the Circle Officer, Sakra,



District- Muzaffarpur, in the aforesaid Encroachment Case No.1 of 2019-20, whereupon the Circle Officer, Sakra, District- Muzaffarpur be directed to consider the same, in accordance with law and pass the final order under Section 6(1) of the Act, 1956. Liberty so sought is granted.

4. It is needless to state that in case appropriate objection/representation is filed before the Circle Officer, Sakra, District-Muzaffarpur, in connection with Encroachment Case No.1 of 2019-20, within a period of four weeks from today, the same shall be considered by the Circle Officer, Sakra, District- Muzaffarpur, in accordance with law and the final order under Section 6(1) of the Act, 1956 shall be passed, forthwith and till then no coercive action shall be taken against the petitioner.

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

(Mohit Kumar Shah, J)

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