

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3195 of 2024

1. Shailesh Kumar Son of Late Janardan Prasad @ Janardan Mahto Resident of Village- Kishmiriya, P.O.- Mohiuddinpur, P.S.-Fatuha, District-Patna.
2. Rajesh Kumar Son of Late Janardan Prasad @ Janardan Mahto Resident of Village- Kishmiriya, P.O.- Mohiuddinpur, P.S.-Fatuha, District-Patna.
3. Ranjit Kumar @ Raj Patel, Son of Late Jagdish Prasad @ Jagdish Mahto Resident of Village- Kishmiriya, P.O.- Mohiuddinpur, P.S.-Fatuha, District-Patna.
4. Ranvir Kumar Son of Late Jagdish Prasad @ Jagdish Mahto Resident of Village- Kishmiriya, P.O.- Mohiuddinpur, P.S.-Fatuha, District-Patna.
5. Prayag Mahto @ Prayag Prasad Son of Late Sita Mahto @ Sita Singh Resident of Village- Kishmiriya, P.O.- Mohiuddinpur, P.S.-Fatuha, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue Department, Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Circle Officer, Fatuha, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kr Singh No.1, Adv.
For the Respondent/s	:	Mr.Addl. Advocate General 5
		Mr.Sanjeet Kumar Singh, AC to AAG-6

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-10-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.(I) For issuance of a writ in the nature of writ of Certiorari, for setting aside the order dated 5.1.2024, passed by the Circle Officer, Daniyawan (Patna) in connection with Encroachment Case No. 05/2022-23, whereby and whereunder the Circle Officer, Daniyawan has directed to remove the encroachment made over the land appertaining to Khata No. 72,



Khesara No. 436, situated at Village-Kismiriya, Thana No.103, P.S.- Fatuha, Circle Office, Daniyawar, District- Patna. The above notices have been issued to all the petitioners.”

2. At the outset, the learned counsel for the respondent-State submits that since the District Magistrate, Patna has found discrepancy in the order passed by the Circle Officer, Daniyawar, District-Patna, in connection with Encroachment Case No.5 of 2022-23, he has directed the Circle Officer, Daniyawar, District-Patna, vide order dated 14.06.2024, to proceed with the aforesaid encroachment proceedings afresh, hence it is submitted that the petitioners can file their objections, if they so desire, which shall definitely be considered by the Circle Officer, Daniyawar, District-Patna.

3. At this juncture, the learned counsel for the petitioners seeks four weeks' time, on behalf of the petitioners for filing objections, before the Circle Officer, Daniyawar, District-Patna, in connection with Encroachment Case No.5 of 2022-23, however, seeks some protection during the interregnum period.

4. Having regard to the facts and circumstances of the case, while granting liberty to the petitioners to file their objections before the Circle Officer, Daniyawar, District-Patna,



within a period of four weeks from today, I deem it fit and proper to direct the Circle Officer, Daniyawar, District-Patna, to consider the objections to be filed by the petitioners and thereafter, pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law, forthwith, and till then, no coercive action shall be taken against the petitioners.

5. It is needless to state that in case no objections are filed by the petitioners, within a period of four weeks from today, the Circle Officer, Daniyawar, District-Patna, shall be free to take appropriate action and proceed further in the aforesaid Encroachment Case No.5 of 2022-23, in accordance with law.

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

(Mohit Kumar Shah, J)

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