

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5123 of 2020

Naresh Baitha Son of Late Harihar Baitha Resident of Village- Gonauli,
Dharmpur, Ward No. 08, Police Station- Muffasil, District- East Champaran.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, West Champaran, Bettiah.
3. The Sub Divisional Officer, Bettiah Sadar, West Champaran.
4. The Circle Officer, Bettiah, West Champaran.
5. Kishun Raut @ Bishun Patel Son of Bhulan Patel Resident of Village-
Ganauli Dharampur, Police Station- Muffasil Bettiah, District- West
Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Devi Das Srivastava, Adv.
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

12 17-10-2024 1. Though the present writ petition has been filed for not demolishing the house of the petitioner, situated at Mauza-Gonauli, Thana No.191, Village-Gonauli Dharampur, P.S. Muffasil, Bettiah, West Champaran, appertaining to Khata No.73, Khesra No.1425, admeasuring about 2 katha, however, it is pointed out by the learned counsel for the respondent-State that only notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act, 1956'), has been issued to the petitioner, by the Circle Officer, Bettiah, District-West Champaran, in connection with Encroachment Case No.3 of 2018-19, hence the petitioner is well advised to file his objections in the said encroachment



proceedings.

2. At this juncture, the learned counsel for the petitioner submits that the petitioner would be filing his objections in the aforesaid Encroachment Case No.3 of 2018-19, before the Circle Officer, Bettiah, District-West Champaran, within a period of four weeks from today, hence the Circle Officer, Bettiah, District-West Champaran, be directed to consider the same and pass appropriate orders, in accordance with law, under Section 6(1) of the Act, 1956 and till then, the petitioner be granted some protection.

3. 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 objections in the aforesaid encroachment proceedings, within a period of four weeks from today, which shall be considered by the respondent no.4, in accordance with law and the final order under Section 6(1) of the Act, 1956, shall be passed within a period of six weeks, thereafter and till then, no coercive action shall be taken against the petitioner.

4. It is needless to state that in case no objection is filed by the petitioner, within a period of four weeks from today, the respondent no.4, i.e. the Circle Officer, Bettiah, District-West Champaran, shall proceed ex-parte and pass the final



order in accordance with law under Section 6(1) of the Act,
1956, forthwith.

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

(Mohit Kumar Shah, J)

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