

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7361 of 2020

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1. Sachchidanand Verma Son of Shri Basudeo Mahto Resident of Village-Chiksaura, P.S.- Hilsa, District- Nalanda.
 2. Vidyanand Verma Son of Shri Basudeo Mahto Resident of Village-Chiksaura, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police Bihar, Patna.
3. The Chairman-Cum- Managing Director Bihar Police Building Construction Corporation, B.M.P.-05 Campus, Patna.
4. The District Magistrate Nalanda at Biharsharif.
5. The Superintendent of Police Nalanda at Biharsharif.
6. The Sub- Divisional Officer Hilsa, District Nalanda.
7. The Sub- Divisional Police Officer Hilsa, District Nalanda.
8. The Circle Officer Hilsa, District Nalanda.
9. The Station House Officer Chiksaura, Police Station, District Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bhola Kumar,Adv.
For the Respondent/s : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 20-11-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.A) For issuance of a writ in the nature of Mandamus, commanding the respondents concerned to restrain the construction of boundary wall of Chiksaura Police Station in the district of Nalanda, which is being constructed forcibly, by misusing their post, over Plot No. 2044, Khata No. 328, area- 10 decimal, Thana



no. 78, Mauza- Chiksaura, Circle Hilsa, District-Nalanda, which is the own land of the petitioners, over which two-storied pucca building has already been constructed.

(B) For further directing the state respondents to construct the Boundary wall of Chiksaura Police Station in another land, i.e. Plot no. 2044, Khata no. 328, which is not in possession of the petitioners.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objections/reply to the notice dated 10.07.2020, issued by the Circle Officer, Hilsa (Nalanda), under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘the Act, 1956’) and further seeks a direction upon the Circle Officer, Hilsa (Nalanda) to consider the same and then pass the final order under Section 6(1) of the Act, 1956.

3. Per contra, though the learned counsel for the respondent State has submitted that the final order has been passed by the Circle Officer, Hilsa (Nalanda), on 10.07.2020, however, this Court finds that the same cannot be said to be a legally valid order under Section 6(1) of the Act, 1956, hence the same is quashed.

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/reply before the Circle Officer, Hilsa (Nalanda), within a period of four weeks from today, whereupon the Circle Officer, Hilsa (Nalanda), shall consider the same, in accordance with law and pass the final order under Section 6(1) of the Act, 1956, within a period of four weeks thereafter and till then, no coercive action shall be taken against the petitioners.

5. It is needless to state that in case no objection/show cause reply/representation is filed by the petitioners, before the Circle Officer, Hilsa (Nalanda), within a period of four weeks from today, in the aforesaid encroachment proceedings, the Circle Officer, Hilsa (Nalanda), shall proceed further to pass the final order under Section 6(1) of the Act, 1956, ex-parte.

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

(Mohit Kumar Shah, J)

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