

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15067 of 2014

Sanjay Gandhi Inter College S/o Sri Harihar Prasad Singh Resident of
Imamganj, P.S.- Imamganj, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Gaya
3. The Sub Divisional Officer, Sherghati, District- Gaya
4. The Circle Officer, Imamganj Circle, Imamganj, District- Gaya
5. The Station House Officer, Imamganj, Police Station Imamganj, District- Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Samrendra, Adv.
For the Respondent/s : Mr.Kumar Manish, SC-5
Mr.Prashant Kumar, AC to SC-5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 24-07-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1.(i) For setting aside the order dated 25.7.2014 passed in Encroachment Case No. 01/14-15 by the Circle Officer, Imamganj, Gaya (Respondent No. 4) under Section-6 of the Bihar Public Land Encroachment Act, 1956 whereby and whereunder the show cause reply of the petitioner has been rejected and the concerned office Assistant has been directed to issue notice under Section 6(2) of the said Act in Form-II for removal of encroachment.

(ii) For setting aside the notice dated 28.7.2014 issued by the Respondent No. 4 to the petitioner



under Section- 6(2) of the said Act in Form-II for removal of encroachment over the land apertaining to Thana No. 316, Khata No. 283, Plot Nos. 548 and 547 area, 0.32 acre situated in Mauza- Imamganj by 13.8.2014.

(iii) For a declaration that the order impugned dated 25.7.2014 passed by the Respondent No. 4 in Encroachment Case No. 01/14-15 is illegal, arbitrary being violative of Sections 3, 4, 5 and 6 of the Bihar Public Land Encroachment Act, 1956.

(iv) For a declaration that the order impugned dated 25.7.2014 has been passed behind the back of the petitioner without communicating the date hearing and the same is violative of the principles of natural justice.

(v) For restraining the Respondents to take any coercive action against the petitioner pursuant to the order dated 25.7.2014 passed in Encroachment Case No. 01/14-15 and notice dated 28.7.2014 issued under Section 6(2) of the said Act.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 25.07.2014, passed by the Circle Officer, Imamganj, District-Gaya, in connection with Encroachment Case No.1 of 2014-15, by filing appropriate appeal under Section 11 of the



Bihar Public Land Encroachment Act, 1956, however, seeks some protection during the interregnum period. Liberty so sought is granted.

3. It is needless to state that in case appropriate appeal is filed by the petitioner, within a period of four weeks from today, the Appellate Authority shall consider the same on merits, without being impeded by the issue of limitation and pass a reasoned and a speaking order, in accordance with law, within a period of eight weeks, thereafter and till then no coercive action shall be taken against the petitioner.

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

(Mohit Kumar Shah, J)

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