

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8085 of 2024

-
1. Sahmad Mian @ Mohammad Sahmad S/o Noorhasan Mian @ Mohammad Noor Hasan, R/o village-Jhakhra, P.S.-Jagdishpur, District-West Champaran.
 2. Muslim Mian, S/o Akilbahar Mian, R/o village-Jhakhra, P.S.-Jagdishpur, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Bettiah, West Champaran.
4. The Additional Collector, Bettiah, West Champaran.
5. The Deputy Collector, Land Reforms, Bettiah, West Champaran.
6. The Circle Officer, Nautan, West Champaran.
7. Shyamsundar Dubey, S/o Chandrakishor Dubey, R/o village-Jhakra, P.s.-Jagdishpur, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Shrivastava, Advocate
For the Respondent/s	:	Mr. Sunil Kr. Mandal, SC-3
		Mr. Arjun Prasad, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1) (a) For quashing Notice dated
06.04.2024 contained in Form-1,
issued under Section 3 of the Bihar
Public Land Encroachment Act, 1956
by the Circle Office, Nautan against
the petitioners.*



(b) For commanding the State Respondents, especially the Circle Officer, Nautan not to dispossess the petitioners from their residential houses constructed on part of plot no.200, khata no.316, thana no.172, mauza-Jhakhra, West Champaran, which is Gair Majarua Land, by way of proceeding under the Bihar Public Land Encroachment Act.

(c) In alternative, the petitioners pray that appropriate order be passed for settlement of the said area of land over which their residential houses stand, in their favour, as they are landless persons."

2. At the outset, the learned counsel for the petitioners submits that pursuant to the notice issued to the petitioners under Section 3 of the Bihar Public Land Encroachment Act, 1956, in connection with the encroachment proceedings initiated by the Circle Officer, Nautan, West Champaran at Bettiah, the petitioners have already filed their objections, however, no final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has been passed till date, hence till the same is passed, some protection be granted to the



petitioners.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Nautan, West Champaran at Bettiah to consider the objections filed by the petitioners, if any, and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 within a period of four weeks from today, and till then no coercive steps shall be taken against the petitioners.

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

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

