

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18229 of 2015

Shanker Prasad Choudhary Son of Late Bhola Choudhary R/o Sone Versha,
P.S. Sone Varsha, District - Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. S.D.M. Civil Simri Bakhtiarapur
3. District Magistrate Cum Collector, Saharsa
4. Circle Officer, Banma Itahri, District - Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Anjum Perveen, Adv. Mr.Syed Arshad Alam, Adv.
For the Respondent/s	:	Mr.Binod Ji Verma, GP-17 Mr.Raj Kishore Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 26-09-2024 1. Though the present writ petition has been filed for quashing the encroachment proceedings initiated by the Circle Officer, Banma Itahri, District-Saharsa, vide Encroachment Case No.02 of 2015-16, however it is the submission of the learned counsel for the petitioner that no final order has been passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act, 1956'), and instead notice has been issued under Section 6(2) of the Act, 1956 on 09.09.2015, asking the petitioner to remove the encroachment in question, hence it is prayed that the petitioner be granted six weeks' time for filing his objections in the aforesaid Encroachment Case No.02 of 2015-16, and the Circle



Officer, Banma Itahri, District-Saharsa, be directed to consider the same and pass appropriate orders, within a period of six weeks thereafter, under Section 6(1) of the Act, 1956, in case no final order has yet been passed.

2. Per contra, the learned counsel for the respondent-State submits that in case the aforesaid encroachment case is still pending consideration, the same would definitely be disposed off, within a stipulated time frame, as is fixed by this Court.

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 Case No.02 of 2015-16, within a period of six weeks from today, which shall be considered by the Circle Officer, Banma Itahri, District-Saharsa, in accordance with law and in case the final order has not yet been passed, he shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of six weeks, thereafter.

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

(Mohit Kumar Shah, J)

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