

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12400 of 2018

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1. Nageena Yadav Son of late Sharan Yadav
 2. Shivram Yadav Son of late Bihari Yadav
 3. Domi Yadav@ Dobhi Yadav Son of late Ram Gulam Yadav
 4. Narayan Sah Son of late Daho Sah All Resident of Village- Deoghara, P.O. Amarpur, P.S. Mednichowki, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna-1
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna-1
3. The District Magistrate, Lakhisarai.
4. The Police Superintendent, Lakhisarai.
5. The Sub- Divisional Officer, Sadar, Lakhisarai.
6. The Circle Officer, Suryagarha Anchal, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Advocate
For the Respondent/s : Mr.Raj Kishore Ray - Gp-18

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 31-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of an appropriate writ/writs/order/orders /direction/directions commanding the respondents to quash the Memo No-664 dated 09.06.2018 issued by the Circle Officer, Suryagarha Anchal contained in Annexure-2 of the application whereby and where under the circle officer has directed to remove the encroachment from Khata No- 91,



Khesra No- 75, Thana No- 53, in Mouza-Tajpur under Suryagarha Anchal, not in the name of the petitioners, without any notice and without passing final order in accordance with Bihar Land Encroachment Act.

(ii) For issuance of an appropriate writ/writs/order/orders /direction/directions commanding the respondents to stay the operation of Notice, issued vide Memo No- 664 dated 9.6.2018 during the pendency of the application.”

2. At the outset, the learned counsel for the respondent-State submits that Encroachment Case No.15 of 2017-18 is still pending consideration, hence the petitioners should appear before the Circle Officer, Suryagarha Anchal, District- Lakhisarai and file their objections, so that final decision can be taken, expeditiously.

3. In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objections in the aforesaid Encroachment Case No.15 of 2017-18, before the Circle Officer, Suryagarha Anchal, District- Lakhisarai, within a period of four weeks from today, which shall be considered by the Circle Officer, Suryagarha Anchal, District- Lakhisarai i.e. the respondent no.06, in accordance with law and final order under Section 6(1) of the Bihar Public



Land Encroachment Act, 1956, shall be passed thereon, within a period of eight weeks, thereafter and till then no coercive action shall be taken against the petitioners.

4. It is needless to state that in case no objection is filed by the petitioners, within a period of four weeks from today, the Circle Officer, Suryagarha Anchal, District-Lakhisarai shall proceed ex-parte.

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

(Mohit Kumar Shah, J)

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