

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9406 of 2024

1. Ramashray Ram Son of Late Mangal Ram, Resident of Village- Yado Pipra, P.S.- Hathua, District- Gopalganj.
2. Smt. Lalita Devi, Wife of Ramashray Ram, Resident of Village- Yado Pipra, P.S.- Hathua, District- Gopalganj.

... .. Petitioners

Versus

1. The State of Bihar through the District Magistrate, Gopalganj.
2. The Collector-cum-District Magistrate, Gopalganj.
3. The Circle Officer, Hathua, District- Gopalganj.
4. The Land Acquisition Officer, Gopalganj, District- Gopalganj.
5. The Superintendent of Police, Gopalganj, District- Gopalganj.
6. The Bihar Bhoodan Yagna Committee through its Chairman, At- Gardanibagh, P.O. and P.S. and District- Patna.
7. The Chairman, Bihar Bhoodan Yagna Committee at Gardanibagh, Patna.
8. The Karyalay Mantri, Bhoodan Yagna Committee, Gardanibagh.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.
For the State : Mr. Raghwendra Kumar, SC-22

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-09-2024 The present writ petition has been filed
seeking the following reliefs:-

“1.(i) For setting aside the proceeding initiated by instituting encroachment case, bearing No.8/2020- 21 by the Circle Officer, Hathua, Gopalganj.

(ii) For staying the operation of notice dated 22.08.2022, issued under section 6(2) of the Bihar Public Land Encroachment Act, 1956.

(iii) For restraining the authority



concerned from dispossessing the petitioner from the standing house, which has been partially demolished.

(iv) For dropping the encroachment proceeding as there is violation of the executive instructions, pertaining to initiation of encroachment proceedings against persons belonging to Scheduled Caste and those who are landless.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the order dated 22.08.2022 passed by the Circle Officer, Hathua, Gopalganj under Section 6 (1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to the ‘Act, 1956’) in connection with Encroachment Case No. 8 of 2020-21, by filing appropriate appeal under Section 11 of the Act, 1956. Liberty, so sought, is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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