

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11723 of 2023

1. Lakhpatiya Devi Wife of Sri Bhagwan Singh Resident of Village- Bahuara, P.O.- Maidhara, P.S.- Suryapura, Anchal- Bikramganj, District- Rohtas.
2. Yadubansh Singh, S/o Lae Subadayal Singh @ Suryadayal Singh Resident of Village- Bahuara, P.O.- Maidhara, P.S.- Suryapura, Anchal- Bikramganj, District- Rohtas.
3. Haridwar Singh, Son of Late Dip Singh Resident of Village- Bahuara, P.O.- Maidhara, P.S.- Suryapura, Anchal- Bikramganj, District- Rohtas.
4. Brij Bihari Singh, Son of Late Alyaar Singh Resident of Village- Bahuara, P.O.- Maidhara, P.S.- Suryapura, Anchal- Bikramganj, District- Rohtas.
5. Krishna Singh, Son of Basgit Singh Resident of Village- Bahuara, P.O.- Maidhara, P.S.- Suryapura, Anchal- Bikramganj, District- Rohtas.
6. Santosh Kumar @ Guddu Singh, Son of Rameshwar Singh Resident of Village- Bahuara, P.O.- Maidhara, P.S.- Suryapura, Anchal- Bikramganj, District- Rohtas.
7. Sohrai Yadav @ Gulsan Yadav, Son of Late Jagdish Singh Yadav Resident of Village- Bahuara, P.O.- Maidhara, P.S.- Suryapura, Anchal- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Cum Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna- 15.
2. The Additional Chief Secretary Cum Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna- 15.
3. The Collector Cum District Magistrate, Rohtas at Sasaram.
4. The Additional Collector, Public Grievance redressal, Rohtas at Sasaram.
5. The Sub-Divisional Public Grievance redressal Officer, Bikramganj, District- Rohtas.
6. The Circle Officer, (Anchal Adhikari), Bikramganj, Rohtas.
7. Saroj Singh, Son of Late Dinanath Singh Resident of Village- Bahuara, P.S.- Surajpura, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Suresh Prasad Bhakta, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (Aag 12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-07-2024

1. The present writ petition has been filed seeking



the following relief(s):-

“1(i) For quashing the order dated 11-09-2018 (Annexure-3) and order dated 2-06-2018 (Annexure-2) passed by the Collector, Rohtas at Sasaram, and Additional Collector (Public Grievance Redressal) Officer, Rohtas, under Bihar State, Public Grievance Redressal Act, 2015.

(ii) For quashing the notice under form -3 dated 24-11-2022 and form -2 dated 20-12-2022 contained in Annexure- 5 Series) issued by Anchal Adhikari, Bikramganj, Rohtas under Bihar Public Land Encroachment Act 1956, thereunder petitioners are directed to remove the encroachment themselves from the land bearing plot no.566 under Khata No. 147, of Mauza Bahuara, Till 09-01- 2023.”

2. The learned counsel for the petitioner has produced an order dated 02.12.2023, passed by a co-ordinate Bench of this Court in CWJC No.10805 of 2023, wherein the same Encroachment Case No.06 of 2022-23, initiated by the Circle Officer, Bikramganj, Rohtas was the subject matter of the said writ petition, to submit that the matter has been remanded back and the notices, issued to the petitioners under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, on 20.12.2022, in connection with Encroachment Case No.06 of 2022-23, have



been quashed by the aforesaid order dated 02.12.2023, and the matter has been remitted back to the Circle Officer, Bikramganj, Rohtas for fresh consideration.

3. In view of the aforesaid, the natural corollary would be that the notices issued to the petitioners under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, dated 20.12.2022, passed in connection with Encroachment Case No.06 of 2022-23, by the Circle Officer, Bikramganj, Rohtas also stand redundant qua the petitioners herein.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the Circle Officer, Bikramganj, Rohtas to initiate fresh encroachment proceedings, if so warranted, qua the petitioners herein, issue notices to them and proceed in accordance with law and as per the provisions contained in the Bihar Public Land Encroachment Act, 1956.

5. The present writ petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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