

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10808 of 2024

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1. Ajay Kumar Son of late Arjun Prasad Singh, Resident of Village -
Samyagharh, P.S. - Ghoswari, District - Patna
 2. Rajneesh Kumar, Son of late Arjun Prasad Singh, Resident of Village -
Samyagharh, P.S. - Ghoswari, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue
and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. The Additional Collector, Patna.
4. The Circle Officer, Block/Anchal-Ghoswari, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar, Adv.
For the Respondent/s : Mr.Addl. Advocate General 12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

“1(i). To issue a writ in the nature of mandamus
for setting aside the notice dated 09.07.2024,
contained in Memo No. 1037, issued under the
signature of respondent No.4, Circle officer,
Ghoswari, District- Patna, in encroachment case
no- 02/2019-20, by which the respondent Circle
Officer, without visiting the spot and without
examining the factual aspect of the land,
appertaining to Khata no. 359 and Khesra no.-
490, Thana no. 58, situated at Mauza-
Samyagarh, Block+P.S. Ghoswari, District-
Patna, has directed the petitioners to remove the



alleged encroachment within seven days and submit the intimation by 22.07.2024, after a lapse of five years, in complete violation of the principles of natural justice.

(ii). To issue a writ of mandamus, commanding and directing the Respondent authority concerned not to disturb the physical possession of the petitioners over the said Gairmajaruaa Aam Land, which is being used by the petitioners for ingress and egress to their houses since more than 100 years i.e. since the life time of their ancestors but the respondent Circle Officer, without visiting the spot and without examining the factual aspect of the land has issued the impugned notice dated 09.07.2024, directing the petitioners to remove the encroachment within seven days and submit its intimation by 22.07.2024, in complete violation of the settled provision of law.”

2. At the outset, the learned counsel for the Respondent-State admits that no final order, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), has been passed by the Circle Officer, Ghoswari, District-Patna, in connection with Encroachment Case No. 2 of 2019-20, hence, the same would be passed expeditiously, considering the objections, if any, to be filed by



the petitioners and till then, no coercive action shall be taken against them.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file their objections before the Circle Officer, Ghoswari, District-Patna, within a period of four weeks from today, which shall be considered by the Circle Officer, Ghoswari, District-Patna, in accordance with law and the final order under Section 6(1) of the Act, 1956 shall be passed within a period of six weeks, thereafter and till then, no coercive action shall be taken against the petitioners.

4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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