

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12856 of 2024

1. Moti Prasad @ Moti Mukhiya son of Indradeo Mahto, Presently residing at Village- Ghughri Tand, P.S. Gaya Town, District- Gaya.
2. Baliram Prasad, Son of Late Mannu Mahto, Presently residing at Village- Ghughri Tand, P.S. Gaya Town, District- Gaya.
3. Nirmala Devi, wife of Suresh Prasad, Presently residing at Village- Ghughri Tand, P.S. Gaya Town, District- Gaya.
4. Manoj Kumar, son of Basudeo Prasad, Presently residing at Village- Ghughri Tand, P.S. Gaya Town, District- Gaya.
5. Kanti Devi, wife of Gopal Sharan Singh, Presently residing at Village- Ghughri Tand, P.S. Gaya Town, District- Gaya.
6. Kumari Jaimanti Sinha, wife of Jainendra Kumar Verma, Presently residing at Village- Ghughri Tand, P.S. Gaya Town, District- Gaya.
7. Ashok Kumar, son of Sri Ram Sahay Mahto, Presently residing at Village- Ghughri Tand, P.S. Gaya Town, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya, District- Gaya.
3. The District Land Acquisition Officer, Gaya, District- Gaya.
4. The Superintendent of Police, Gaya, District- Gaya.
5. The Deputy Collector, Land Reforms, Gaya, District- Gaya.
6. The Circle Officer, Gaya Sadar, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1, Advocate
For the Respondent/s : Mr.Government Pleader (23)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-09-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For setting aside the illegal, improper and incorrect proceedings initiated vide Encroachment case No. 02/2024-25 (Annexure-P/1) by the Circle Officer, Town (Gaya) against



the petitioners by which without spot measurement, pukka houses made on title holding lands of the petitioners are being demolished.

(ii) For setting aside the order and Notice dated 29.05.2024, sent by the office of C.O. Town, Gaya in Encroachment Case No. 02/2024-25 contained in Annexure - P/1 to this writ petition.

(iii) That for maintaining Judicial Discipline, during the pendency of this writ petition, entire proceedings started vide Encroachment case No. 02/2024-25, against these petitioners, may kindly be remain stayed, till the final order is passed by this Hon'ble High Court.

(iv) That removal of encroachment by the Respondents qua the personal title holding lands of the petitioners, is illegal and unconstitutional.

(v) That the Respondents be also directed to pay appropriate cost and compensation for unnecessary mental, physical and economical harassment done by the illegal and unconstitutional acts of demolition by the Respondents.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objections to the notice issued under Section 6(1) of the Bihar Public Land



Encroachment Act, 1956, dated 29.05.2024, by the Circle Officer, Nagar (Gaya), in connection with Encroachment Case No.02 of 2024-25 and further seeks some protection during the interregnum period, i.e. till the time, the final order is passed by the Circle Officer, Nagar (Gaya), under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

3. Per contra, the learned counsel for the respondent-State submits that in case the objections are filed by the petitioners, within a stipulated time frame, the same would definitely be considered by the Circle Officer, Nagar (Gaya) and the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, shall definitely be passed, forthwith.

4. 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, within a period of four weeks from today, before the Circle Officer, Nagar (Gaya), in connection with Encroachment Case No.02 of 2024-25, which shall be considered by the Circle Officer, Nagar (Gaya) and the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, shall be passed, within a period of six weeks, thereafter



and till then no coercive action shall be taken against the petitioner.

5. It is needless to state that in case no objections are filed by the the petitioners, within a period of four weeks from today, the Circle Officer, Nagar (Gaya) shall proceed ex-parte.

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

(Mohit Kumar Shah, J)

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