

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12727 of 2024

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Bhuneshwar Narayan Pandey @ Bhubneshwar Narayan Pandey Son of Late
Ram Asaray Pandey, resident of- Village and P.O.- Adampur, P.S.- Goraul,
District- Vaishali.
Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land and Revenue, Bihar, Patna.
2. The Collector, Vaishali.
3. The Additional Collector, Vaishali.
4. The Deputy Collector Land Reform, Mahua.
5. The Sub Divisional Officer, Vaishali.
6. The Circle Officer (CO), Goraul, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nitesh Kumar, Adv. Mr.Sumit Kumar, Adv.
For the Respondent/s	:	Mr.Mujkabaul Haque, GP-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-10-2024 1.Though the present writ petition has been filed for quashing the notice dated 26.07.2024, issued by the Circle Officer, Goraul, District-Vaishali, i.e. the respondent no.6, in connection with Encroachment Case No.3 of 2024-25, however, at the outset, the learned counsel for the respondent-State submits by referring to the counter affidavit filed by the District Magistrate, Vaishali, i.e. the respondent no.2 that admittedly the correct procedure has not been followed by the respondent no.6, hence the petitioner can file his objections within a stipulated time frame, as is fixed by this Court, before the respondent no.6 in the ongoing Encroachment Case No.3 of 2024-25, whereupon the respondent no.6 shall definitely consider the same, in



accordance with law and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act, 1956').

2. In view of the aforesaid, the learned counsel for the petitioner seeks four weeks' time in order to enable the petitioner to file his objections before the respondent no.6, in the aforesaid Encroachment Case No.3 of 2024-25. Liberty so sought is granted.

3. It is needless to state that in case objection is filed by the petitioner, within a period of four weeks from today, the respondent no.6 shall consider the same, in accordance with law and pass the final order under Section 6(1) of the Act, 1956, and till then no coercive action shall be taken against the petitioner.

4. It is clarified that in case no objection is filed by the petitioner within a period of four weeks from today, the respondent no.6 shall proceed ex-parte and pass the final order in accordance with law, under Section 6(1) of the Act, 1956, forthwith.

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

(Mohit Kumar Shah, J)

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