

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12709 of 2024

1. Abdul Khaliq Son of Mohammad Ataur Rahman Resident of Village-Hardiya Tola Bahdura, Ward no.- 02, Police Station- Singhia, District-Samastipur.
2. Mohammad Shahid, Son of Mohammad Ataur Rahman Resident of Village-Hardiya Tola Bahdura, Ward no.- 02, Police Station- Singhia, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Samastipur.
2. The Collector, Samastipur.
3. The Sub-Divisional Officer, Rosera, District- Samastipur.
4. The Circle Officer, Singhia, District- Samastipur.
5. The Mukhiya, Gram Panchayat Raj Hardiya, Block- Singhia, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narayan Yadav, Sr. Adv. Mr. Ranjit Kumar Yadav, Adv. Mr. Ugresh Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader 19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-11-2024 Though the present writ petition has been filed for quashing the notice, issued to the petitioners, under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), dated 12.12.2023 and the memo dated 18.1.2024, issued by the Sub-Divisional Officer, Rosera, however, it has not been denied by the Respondent-State that no order has been passed under Section 6(1) of the Act, 1956, in connection with the Encroachment Case No. 8 of 2023-24, hence, it is fairly submitted by the learned counsel for the



Respondent-State that in case, the petitioners file their objections within a period of four weeks from today, the Circle Officer, Singhia, Samastipur, would definitely consider the same and pass the final order under Section 6(1) of the Act, 1956.

2. At this juncture, the learned counsel for the petitioners submits that the petitioners would definitely file their objections within a period of four weeks from today, however, till the final order, under Section 6(1) of the Act, 1956, is passed, no coercive action be directed to be taken against the petitioners.

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, Singhia, Samastipur, in the aforesaid Encroachment Case No. 8 of 2023-24, within a period of four weeks from today, which shall be considered by the Circle Officer, Singhia, Samastipur, in accordance with law and the final order, under Section 6(1) of the Act, 1956, shall be passed, thereafter, forthwith and till then, no coercive action shall be taken against the petitioners.

4. It is needless to state that in case, no objections are filed by the petitioners within a period of four weeks from today, the Circle Officer, Singhia, Samastipur, shall nonetheless, proceed to pass the final order under Section 6(1) of the Act, 1956, ex



parte.

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

(Mohit Kumar Shah, J)

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