

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13553 of 2024

Sanjay Kumar Roy S/o- Umesh Chandra Roy, Resident of Ward No- 16,
Laxmi Sagar Colony, Sadhu Gachhi, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land Reforms and Revenue, Patna.
2. The District Magistrate, Darbhanga.
3. The Sub- Divisional Magistrate, Darbhanga Sadar, Darbhanga.
4. The Circle Officer, Bahadurpur, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate
For the Respondent/s : Mr. Manoj Kr. Sinha, AC to GA-9

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-12-2024 Though the present writ petition has been filed for quashing the notice dated 09.07.2024, issued by the Circle Officer, Sadar Darbhanga, in connection with Encroachment Case No. 04 of 2024-25, which has been initiated in connection with land appertaining to Khesra No. 46 and 352 situated at Mauja-Laxmisagar, Block-Sadar Darbhanga, District-Darbhanga, however, at the outset, the learned counsel for the respondent-State has not disputed the fact 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 till date, hence it is submitted that the petitioner may file his objection, which shall definitely be considered by the Circle



Officer, Sadar Darbhanga and then the final order under Section 6(1) of the Act, 1956 shall be passed.

2. At this juncture, the learned counsel for the petitioner seeks four weeks' time for filing his objection/representation before the Circle Officer, Sadar Darbhanga in the aforesaid Encroachment Case No. 04 of 2024-25, however, seeks some protection during the interregnum period.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file his objection/representation before the Circle Officer, Sadar Darbhanga in the aforesaid Encroachment Case No. 04 of 2024-25, within a period of four weeks from today, which shall be considered by the Circle Officer, Sadar Darbhanga, in accordance with law, and then he shall pass the final order under Section 6(1) of the Act, 1956, forthwith and till then no coercive action shall be taken against the petitioner.

4. It is needless to state that in case no objection/representation is filed by the petitioner within a period of four weeks from today, before the Circle Officer, Sadar Darbhanga, in connection with the aforesaid Encroachment Case No. 04 of 2024-25, the Circle Officer, Sadar Darbhanga



shall proceed to pass the final order under Section 6(1) of the
Act, 1956, ex parte.

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

(Mohit Kumar Shah, J)

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