

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13176 of 2024

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Bikrama Sah @ Vikaram Sah S/o- Ashirvad Sah Resident of Village- Murla,
P.S.- Ramgarhwa, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector- cum- District Magistrate, East Champaran at Motihari.
2. The Collector- cum- District Magistrate, East Champaran at Motihari.
3. The Sub-Divisional Officer, Raxaul, District- East Champaran.
4. The Circle Officer, Ramgarhwa Block, Ramgarhwa, District- East Champaran.
5. The Officer-in-Charge, Ramgarhwa Police Station, Ramgarhwa, District- East Champaran.
6. Satyendra Thakur, S/o Hari Shankar Thakur Resident of Village- Murla, P.S.- Ramgarhwa, Dist.- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Respondent/s : Mr.Government Advocate (5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 17-10-2024 The present writ petition has been filed for quashing the notices dated 20.6.2023 and 8.8.2024, issued by the Circle Officer, Ramgarhwa Block, Ramgarhwa, District-East Champaran, in connection with Encroachment Case No. 17 of 2022-23, whereby and whereunder the petitioner has been declared to be an encroacher and has been directed to remove the encroachment.
2. At the outset, the learned counsel for the Respondent-State submits, by referring to the counter affidavit filed by the



District Magistrate, East Champaran at Motihari that the encroachment proceedings in question have not been conducted properly and the Circle Officer, Ramgarhwa, has passed illegal order prior to issuance of show cause notice, hence, it is submitted that the Circle Officer, Ramgarhwa, shall pass a fresh order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), after seeking objections of the petitioner and considering the same, in accordance with law.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant four weeks’ time to the petitioner to file his objection before the Circle Officer, Ramgarhwa, in connection with the aforesaid encroachment proceedings in question, whereupon the Circle Officer, Ramgarhwa, shall consider the same, in accordance with law and pass the final order under Section 6(1) of the Act, 1956, within a period of eight weeks, thereafter and till then no coercive action shall be taken against the petitioner. It is needless to state that in case, no objection is filed by the petitioner within a period of four weeks from today, the Circle Officer, Ramgarhwa, shall proceed ex parte and pass appropriate orders under Section 6(1) of the Act, 1956, in accordance with



law.

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

(Mohit Kumar Shah, J)

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