

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12796 of 2024

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Lakshaman Jha Son of Late Gangadhar Jha Resident of Ward No.- 9, Village-
Sirua, Siruamaner, P.S.- Baheri, Dist.- Darbhanga, Bihar- 847101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna, Bihar.
2. The District Magistrate-cum- Collector, Darbhanga, Bihar.
3. The Sub Divisional Magistrate, Darbhanga Sadar, Bihar.
4. The Circle Officer, Baheri, Darbhanga, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Abu Bakar, Advocate Mr.Sumit Kumar, Advocate
For the Respondent/s	:	Mr.Yogendra Pd. Sinha, AAG-7

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 07-10-2024 1. The present petition has been filed for setting aside the notice dated 06.08.2024, issued by the Circle Officer, Baheri, Darbhanga, Bihar, i.e. the respondent no.04, in connection with Encroachment Case Nos.03 of 2023-24 and 05 of 2023-24, directing the encroachers to remove the encroachment in question.

2. The learned counsel for the petitioner submits that the petitioner is bonafide purchaser of the land in question, which he had purchased in the year 1994, by a sale deed dated 01.11.1994 and in fact two Jamabandis, bearing Jamabandi No.465 and 506 had been running in the name of the vendor of the petitioner, namely, Ramlochan Yadav @ Jhakhad Yadav,



hence it is submitted that the possession of the petitioner over his land, appertaining to Khata No.13, Plot No.32/44, admeasuring, of 9.3750 decimals, situated at Circle Baheri, Thana-Siruaa Manor, District-Darbhanga, cannot be disturbed.

3. Though the learned counsel for the respondent-State has submitted that the Circle Officer, Baheri, Darbhanga, has passed orders dated 24.04.2023 and 08.08.2023, in connection with Encroachment Case No.05 of 2023-24, as also has passed an order dated 04.08.2023, in connection with Encroachment Case No.03 of 2023-24, however, this Court finds that the same cannot be stated to be final orders, passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

4. At this juncture, the learned counsel for the petitioner has prayed that the petitioner be granted liberty to file his objection, before the Circle Officer, Baheri, Darbhanga, in connection with the aforesaid Encroachment Case No.03 of 2023-24 and Encroachment Case No.05 of 2023-24, which be directed to be considered by the Circle Officer, Baheri, Darbhanga and thereafter, the final order be directed to be passed and till then some protection be granted to the petitioner.

5. 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, before the Circle Officer, Baheri, Darbhanga, in connection with the aforesaid Encroachment Case No.03 of 2023-24 and Encroachment Case No.05 of 2023-24, within a period of four weeks from today, whereupon the Circle Officer, Baheri, Darbhanga shall consider the same, in accordance with law and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, forthwith and till then no coercive action shall be taken against the petitioner.

6. 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, Baheri, Darbhanga shall be free to proceed ex-parte, in the aforesaid encroachment proceedings, in accordance with law and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, forthwith.

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

(Mohit Kumar Shah, J)

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