

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8331 of 2015

1. Ali Akhatar Khan S/o late Saddique Khan
2. Shfiullah Khan S/o late Saddique Khan
Both are resident of village- Bhada Kala , P.S.- Siwan Muffasil, Distt-Siwan.

... .. Petitioners

Versus

1. The State Of Bihar
2. The Collector , District - Siwan
3. The Circle officer, Block- Siwan , District- Siwan.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Adv.
For the Respondent/s : Mr. Ajay, GA-12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 21-08-2024 The present writ petition has been filed seeking the following relief:-

“1(i) To quash the notices dated 18.05.2015 and 29.05.2015, issued under Section 3(3) of the Bihar Public Land Encroachment Act, 1956, by the Circle Officer, Siwan, by which a direction has been given for removal of encroachment made over khata nos.70 and 71, Survey no.104 and 204, area-3 katha 10 dhur.”

2. Though the present writ petition was filed, assailing the notices issued to the petitioners under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereafter referred to as “the Act 1956”) by the Circle Officer, Siwan Sadar as also the notice dated 18.05.2015, issued under Section 6(2) of the



Act,1956, however, the respondents have annexed an order dated 18.05.2015, to the counter affidavit filed in the present case, passed by the Circle Officer, Siwan, Sadar in connection with Encroachment Case No.3 of 2011-12, under Section 6(1) of the Act 1956, which has not been challenged by the petitioners till date.

3. Nonetheless, the learned counsel for the petitioners has submitted that the aforesaid order dated 18.05.2015 has been passed only on account of cancellation of *Jamabandi* of the land of the petitioners in the year 2013, against which they have preferred an appeal before the learned Collector, Siwan, vide Jamabandi Appeal Case No.41 of 2014-15, which is still pending, hence the same be directed to be expedited and during the interregnum period, some protection be granted to the petitioners.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the learned Collector, Siwan to dispose off the aforesaid Jamabandi Appeal Case No. 41 of 2014-15, in case the same is still pending, by passing a reasoned and a speaking order, in accordance with law, within a period of eight weeks of receipt/production of a copy of this order and till then, the order dated 18.05.2015, passed by the



Circle Officer, Siwan Sadar in Encroachment Case No.3 of 2011-12 shall be kept in abeyance.

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

(Mohit Kumar Shah, J)

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