

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13515 of 2024

1. Arvind Kumar Yadav @ Arvind kumar son of Ram Udar Yadav R/o village - Barahi, P.S - Biraul, District - Darbhanga
2. Phool Kumar Yadav Son of Late Ram Karan Yadav R/o village - Barahi, P.S - Biraul, District - Darbhanga
3. Mukesh Yadav son of Raj Kumar Yadav R/o village - Barahi, P.S - Biraul, District - Darbhanga
4. Rakesh Yadav son of Raj Kumar Yadav R/o village - Barahi, P.S - Biraul, District - Darbhanga
5. Pramod Kumar son of Ram Bali Yadav Resident of village- Navtoliya, P.S.- Baheri, District- Darbhanga.
6. Chandravir Yadav son of Ram Bali Yadav Resident of village- Navtoliya, P.S.-Baheri, District- Darbhanga.
7. Ram Pukar Yadav son of Madan Yadav Resident of village- Navtoliya, P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue, Government of Bihar.
2. The District Magistrate, Darbhanga.
3. The Circle Officer, Darbhanga.
4. The Additional Collector-cum-Public Grievance Redressal Officer, Darbhanga.
5. JayKrishna Yadav Son of Bhullu Yadav Resident of Village- Sher Navtoliya, P.S. Baheri, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey, Adv.
For the Respondent/s : Mr.Standing Counsel (22)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-11-2024 Though the present writ petition has been filed for quashing the notice, issued by the Circle Officer, Darbhanga, i.e. the Respondent No. 3, in connection with Encroachment Case No. 14 of 2023-24, however, the learned counsel for the



Respondent-State has referred to the counter affidavit filed in the present case to submit that encroachment proceedings have been conducted as per the procedure prescribed under the law, nonetheless, this Court finds that no final order of any worth has been passed by the Respondent No. 3 in the aforesaid encroachment proceedings, which would indicate that the facts and circumstances of the case have been taken into consideration, leading to the Respondent No. 3 arriving at a conclusion that the encroachers have encroached the Government land. This Court also finds that no order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”). has been passed by the Respondent No. 3, hence, this Court is of the view that the petitioners should be granted an opportunity to file their objections and upon consideration of the same, the Respondent No. 3 should pass the final order under Section 6(1) of the Act, 1956.

2. At this juncture, the learned counsel for the petitioners seeks four weeks’ time on behalf of the petitioners to file their objections before the Respondent No. 3, including mentioning therein about the title suit filed by the petitioners, however, seeks a direction upon the Respondent No. 3 to consider the



same and pass the final order under Section 6(1) of the Act, 1956 and till then seeks some protection.

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 Respondent No. 3, in the aforesaid Encroachment Case No. 14 of 2023-24, within a period of four weeks from today, which shall be considered by the Respondent No. 3, in accordance with law, whereafter he shall pass the final order under Section 6(1) of the Act, 1956 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 Respondent No. 3 shall nonetheless proceed ahead 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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