

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13718 of 2024

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1. Sudha Devi D/o late Achchhe Lal Jha, W/o Sri Ram Kumar Jha, Resident of Village-Ranitol @ Jagat Singh Pur, P.O.-Ranitol, Ward No. 13, P.S.-Karpuri Gram, District-Samastipur.
 2. Ram Kumar Jha, S/o Late Asharfi Jha, Resident of Village-Morwa @ Morwadih, P.S.-Musarigharari, District-Samastipur at Present-Ranitol @ Jagat Singh Pur, P.O.-Ranitol, Ward No. 13, P.S.-Karpuri Gram, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Reforms Department, Government of Bihar, Patna.
2. The Collector, Samastipur.
3. The Deputy Collector, Land and Revenue Reforms, Samastipur.
4. The Circle Officer, Samastipur, District-Samastipur.
5. The Circle Inspector, Samastipur Circle, District-Samastipur.
6. The Revenue Karamchari, Jagar Singh Pur Gram Panchayat, Samastipur Block, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate
For the Respondent/s : Mr.Standing Counsel (11)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 30-10-2024 1. Though the present petition has been filed for quashing the notice dated 09.08.2024, as also the one dated 24.08.2024, issued under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.12 of 2023-24, however, a bare perusal of the counter affidavit, filed by the respondent-State in the present case shows that no final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, of any worth, has been passed by the Circle Officer, Samastipur, District-Samastipur i.e. the



respondent no.4 and instead notice under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 has been issued qua the petitioners herein, which is deplorable, hence the District Magistrate, Samastipur is directed to make an inquiry into the matter and take appropriate action against the respondent no.4, forthwith and report to the Registrar General of this Court, within a period of two weeks from today.

2. At this juncture, the learned counsel for the petitioners has submitted that the respondent no.4 seldom comes to the concerned office, nonetheless, the petitioners have filed their objection on 18.01.2024, which can be found at running pages no.22 and 23 of the present petition, which is required to be taken into consideration, hence the respondent no.4 be directed to consider the same and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the respondent no.4 to consider the aforesaid objection filed by the petitioners and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks from today and till then no coercive action shall be taken against the



petitioners.

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

(Mohit Kumar Shah, J)

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