

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14252 of 2024

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1. Shobha Devi wife of Manoj Kumar Singh, Resident of Village- Panjawara, P.O.- Panjawara, P.S.- Panjawara, District- Banka.
 2. Amar Singh, Son of Kailash Singh Resident of Village- Panjawara, P.O.- Panjawara, P.S.- Panjawara, District- Banka.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Department of Road and Transport, Govt. of India, New Delhi.
2. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department Government of Bihar, Patna.
4. The Divisional Commissioner, Bhagalpur, Division Bhagalpur, District - Bhagalpur.
5. The District Magistrate, Banka, Dist.- Banka.
6. The Additional Collector, Banka, District - Banka.
7. The Land Acquisition Officer, Banka, Dist.- Banka.
8. The Deputy Collector Land Reforms, Banka, Dist.- Banka.
9. The Circle Officer, Baraht, District- Banka.
10. The National Highway Authority of India, through its Director, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bijoy Kant Mishra, Advocate
For the Respondent/s	:	Mr. GP-14
For the Union of India	:	Mr. Kumar Ganesh Gunjan, CGC

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2024 Heard Mr. Bijoy Kant Mishra, learned Advocate for the petitioner, Mr. Kumar Ganesh Gunjan, learned CGC and the learned GP-14.

2. The petitioners have invoked the jurisdiction of this Court on being aggrieved by the action of the official respondents, specially respondent no. 9, who has issued notice



under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 for removal of the alleged encroachment in Encroachment Case No. 03 of 2023-24 without disposing the objection of the petitioners till date.

3. Learned Advocate for the petitioners contended that an encroachment proceeding bearing no. 03 of 2023-24 was initiated and the notice has been served upon the petitioners. In response to the notice, the petitioners have entered their appearance and sought a short adjournment to file a detailed reply.

4. Subsequent thereto, vide Annexure-P/4, the petitioner no. 1 filed her objection on 05.04.2024, but without considering the same, the Circle Officer, Banka again issued a fresh notice on 09.05.2024 under Section 6(2) of the Act, 1956 in the aforementioned proceeding directing for removing the encroachment from the land, in question, without considering the objection and disposing the same.

5. Learned Advocate for the respondents submits that since the matter is pending before the Circle Officer, who is the competent authority to consider the objection of the petitioners and dispose of the same, it would be proper to relegate the matter to the concerned respondent Circle Officer.



6. Regard being had to the submissions made on behalf of the parties and considering the grievance of the petitioners, the writ petition stands disposed off with a direction to the concerned Circle Officer, to consider and dispose of the objection of the petitioners before passing any final order, preferably within a period of 12 weeks, from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed off with the aforesaid observation.

(Harish Kumar, J)

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