

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13147 of 2024

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1. Ram Pragash Singh S/o Late Ramjivan Singh @ Jivan Singh Resident of Village-Majhaur, P.S. Nanpur District- Sitamarhi
 2. Sukhlal Singh, S/o late Jiyaalal Singh, Resident of Village-Majhaur, P.S. Nanpur District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary Govt. of Bihar, Old Secretariat, Patna.
2. The Secretary Revenue and Land Reform Department, Bihar, Patna.
3. The District Magistrate, Sitamarhi, District-Sitamarhi.
4. The Circle Officer (C.O.) Nanpur, Anchal Nanpur District-Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Adv.
For the State : Mr. Ravish Chandra, AC to SC-6

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 18-11-2024 As far as the petitioner no. 1 is concerned, it is the contention of the learned counsel for the petitioner that his father was issued notice by the Circle Officer, Nanpur, District-Sitamarhi, in connection with Encroachment Case No. 2 of 2020-2021, however, he died before the final order dated 19.8.2024 could be passed by the Circle Officer, Nanpur, hence, the petitioner, who is the son of the deceased encroacher, be granted liberty to file his objection before the Circle Officer, Nanpur and the Circle Officer, Nanpur, be directed to pass the final order under Section 6(1) of the Act, 1956 (hereinafter



referred to as “the Act, 1956”), afresh.

2. As far as the petitioner no. 2 is concerned, the learned counsel for the petitioner seeks liberty on his behalf to challenge the final order dated 19.8.2024, passed by the Circle Officer, Nanpur, under Section 6(1) of the Act, 1956, in connection with Encroachment Case No. 4 of 2021-22, by filing appropriate under Section 11 of the Act, 1956. Liberty, so sought, is granted.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner no. 1 to file his objection in the aforesaid Encroachment Case No. 2 of 2020-21 before the Circle Officer, Nanpur, within a period of four weeks from today, which shall be considered by the Circle Officer, Nanpur, in accordance with law and the final order under Section 6(1) of the Act, 1956, shall be passed forthwith, without being prejudiced by the earlier order dated 19.8.2024, passed by him, which in any view of the matter has stood null and void on account of the same having been passed against a dead person.

4. It is needless to state that for a period of four weeks from today, status quo, existing as on today qua the land / houses of the petitioners in question, shall be maintained.

5. Accordingly, the present writ petition stands disposed off



on the aforesaid terms.

(Mohit Kumar Shah, J)

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