

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14860 of 2023

1. Niwas Kumar S/o Gorelal Singh, R/o Village-Hasanpur, P.O. and P.S.-Harpur, District-Munger.
2. Mantu Kumar Singh, S/o Upendra Singh, R/o Village-Hasanpur, P.O. and P.S.-Harpur, District-Munger.
3. Diwakar Kumar Singh, S/o Narayan Prasad Singh, R/o Village-Ganaili, P.O. and P.S.-Harpur, District-Munger.
4. Dharmvir Svarnkar, S/o Devan Svarnkar, R/o Village-Ganaili, P.O. and P.S.-Harpur, District-Munger.
5. Md. Rizwan, S/o Md. Hither @ Md. Abbas, R/o Village-Madhodih, P.O. and P.S.-Harpur, District-Munger.
6. Ramkrishan Singh, S/o Shivnarayan Singh, R/o Village-Madhodih, P.O. and P.S.-Harpur, District-Munger.
7. Dharendra Thakur, S/o Manohar Thakur, R/o Village-Chanduki, P.S.-Harpur, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
4. The District Collector/Magistrate, Munger.
5. The Additional Collector, District-Munger.
6. The Deputy Collector Land Reforms, District-Munger.
7. The Sub-Divisional Officer, Tarapur, District-Munger.
8. The Circle Officer, Tarapur, District-Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-07-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1). For quashing notice/order issued under



section 3 of Bihar Public Land encroachment act 1956, by the signature of Circle Officer, Tarapur dated 09.08.2023, whereby and where under circle officer has declared land appertaining to Mauja Ganaili, Thana no. 246 plot no. 365 District Munger, has been encroached by the petitioners and directed the petitioners to explain as to why encroachment made by them should not be vacated.

(II) For quashing the entire proceeding initiated by the circle officer Tarapur under the provisions of Land encroachment Act and holding that the entire proceeding initiated by the respondent authorities against the petitioners is abuse of process of law and has only been initiated to harass the petitioners and to declare and hold that the proceeding instituted as against the petitioners is malicious prosecution.

(III) For commanding and restraining the respondent authority not to take any coercive action as against the petitioners for dispossessing the petitioners from land in question, as the same is khatiyani and purchased land, on which the house is constructed and is the only house on which the petitioners are residing along with the family members since time immemorial, moreover in old khatiyani and map the land is in the name of ancestors of the petitioners and without demarcating the land, proceeding Truylol has been initiated and notices has been issued, without



mentioning any case number in the notice.

(IV) For directing and commanding the respondent authorities to verify from revenue records of the state government and to take necessary steps due to rectification in new map.

(V) For Directing and commanding the respondent authority to pass appropriate reasoned and speaking order in accordance with law after to considering the reply filed on behalf of the petitioners in this regards.

VI). For restraining the respondent authorities not take any coercive steps as the entire proceeding has been initiated behind the back of the petitioners and to consider the representation as reply and till passing of any final order after considering the reply of the petitioners in accordance with law. Since so far as per knowledge of the petitioner no final order has been passed or served to the petitioner.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objections/representations to the notice dated 09.08.2023, issued by the Circle Officer, Tarapur, District-Munger, under Section 3 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

3. It is needless to state that the petitioners shall be at liberty to file appropriate objections/representations to the



aforesaid notice dated 09.08.2023, within a period of four weeks from today, which shall be considered in accordance with law and the final order shall be passed by the Circle Officer, Tarapur, District-Munger, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks, thereafter.

4. It is needless to state that no coercive action shall be taken against the petitioners for a period of eight weeks from today.

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

(Mohit Kumar Shah, J)

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