

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17054 of 2024

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1. Rajesh Kumar Sharma @ Rajesh Thakur Son of Late Chandrama Thakur Resident of Village- Balesra, P.O.- Daudpur, P.S.- Daudpur, District- Saran, Bihar- 841205.
 2. Krishna Thakur Son of Sitaram Thakur Resident of Village- Balesra, P.O.- Daudpur, P.S.- Daudpur, District- Saran, Bihar- 841205.
 3. Arvind Thakur Son of Inardev Thakur Resident of Village- Balesra, P.O.- Daudpur, P.S.- Daudpur, District- Saran, Bihar- 841205.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Land Reforms, Government of Bihar at Patna.
2. The District Magistrate -cum- Collector, Saran (Chapra), Bihar.
3. The Circle Officer, Manjhi at Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar, Advocate
For the State	:	Ms. Divya Verma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-11-2024 Though the present writ petition has been filed for quashing the notice dated 05.06.2024, issued by the Circle Officer, Manjhi, i.e. the respondent no.3, in connection with Encroachment Case No.07 of 2023-24, however, at the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objections before the



respondent no.3, nonetheless, seeks a direction upon the respondent no.3 to consider the same and thereafter, pass the final order under Section 6(1) the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the “Act, 1956”).

2. *Per contra*, the learned counsel for the respondent-State submits that in case the petitioners file their objections before the respondent no.3, within a period of four weeks from today, the respondent no.3 would definitely consider the same in accordance with law and pass the final order under Section 6(1) of the Act, 1956.

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.07 of 2023-24, within a period of four weeks from today, which shall be considered by the respondent no.3, in accordance with law, and then the final order under Section 6(1) of the Act, 1956 shall be passed forthwith and till then, no coercive action shall be taken against the petitioners.

4. It is needless to state that in case no objection is filed by the petitioners before the respondent no.3, within



a period of four weeks from today, the respondent no.3 shall be free to pass the final order under Section 6(1) of the Act, 1956, *ex parte*.

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

(Mohit Kumar Shah, J)

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