

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15230 of 2024

Raj Kumar Sharma S/o Late Nokhe Lal Sharma, residing at Village -
Korbaddha, P.O.- Lagunia Surjkanth, P.S.- Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Samastipur.
2. The Collector, Samastipur.
3. The Sub-Divisional Officer, Samastipur.
4. The Circle Officer, Samastipur.
5. Sant Kabir Mahavidyalaya through its Principal, P.O.- Lagunia Surjkanth,
P.S.- Samastipur, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Avinash Kumar, Adv. Mr. Ajay Kumar Mehta, Adv. Mr. Kumar Satyam, Adv.
For the Respondent/s	:	Mr.Standing Counsel (8)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-10-2024 It is the case of the petitioner that though the final order, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), has been passed by the Circle Officer, Samastipur, in connection with Encroachment Case No. 1 of 2023-24, whereafter the Circle Officer, Samastipur, has also issued notice under Section 6(2) of the Act, 1956, to the encroachers and then the Sub-Divisional Officer, Samastipur, vide order dated 13.1.2024, had also appointed Magistrate and police force for removing the encroachment on 19.1.2024, however, till date the encroachment in question has not stood removed, hence, it is



submitted that the District Magistrate, Samastipur, be directed to ensure removal of the encroachment in question.

2. *Per contra*, the learned counsel for the Respondent-State submits that in case, there is no other legal impediment, the final order, passed by the Circle Officer, Samastipur, in connection with Encroachment Case No. 1 of 2023-24, shall definitely be complied with and the encroachment in question would be removed forthwith.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Samastipur to ensure compliance of the final order, passed by the Circle Officer, Samastipur, under Section 6(1) of the Act, 1956, in connection with Encroachment Case No. 1 of 2023-24 and remove the encroachment in question forthwith, by taking recourse to the due process of law, in case there is no other legal impediment and in case, the final order, passed by the Circle Officer, Samastipur, has not been annulled by any higher forum / Court of law.

4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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