

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16176 of 2023

1. Rajesh Kumar Singh son of Late Kameshwar Singh
2. Brjesh Kumar Singh @ Lalsaheb Singh, son of late Kameshwar Singh
3. Most Lalita Devi, wife of Late Ramnaresh Singh
All resident of village-Bara Harakh PS Pakri Dayal, District-East Champaran
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Secretariat, Patna.
2. The District Magistrate-cum-Collector, East Champaran at Motihari
3. The Sub-Divisional Officer-cum-Sub-Divisional Magistrate, Pakri Daya, District-East Champaran.
4. The Circle Officer, Pakri Dayal, Circle Pakri Dayal, District-East Champaran.
... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Respondent/s : Mr.Vinay Kirti Singh, GA-2
: Mr. Akhileshwar Singh, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-08-2024 The present writ petition has been filed seeking the following relief:-

“1(1) For issuance of writ in the nature of certiorari or any other appropriate writ/writs, order/orders, direction/directions for quashing the notice (Form-I) issued by Circle Officer, Pakri Dayal in Encroachment Case No. 07 of 2021-22 under Section 3 of the Bihar Public Land Encroachment Act, 1956 by which the Circle Officer, Pakri Dayal directed the Petitioners to file show Cause on 16.04.2022 at 11:00 hrs as to why the Encroachment made over Khata No. 202, Khesara No. 1313, Mauza Bara Harakh, may not be removed.

(II) For issuance of writ in the nature of certiorari or any other appropriate writ/ writs, order/orders direction/directions for quashing the order dated 07.08.2022 by which the Circle Officer Pakri Dayal directed to issue notice under Prapatr-(ii) in Encroachment Case No. 07 of 2021-22 for removal of



encroachment.

(III) For issuance of writ/writs, order/orders, direction/directions to the respondents authority not to take any action for removal of encroachment against the land of the petitioners.”

2. At the outset, the learned counsel for the respondent-State submits that the Circle Officer, Pakri Dayal, District-East Champaran would consider the objections, if any, to be filed by the petitioners, which may be directed to be filed, within a stipulated time period and thereafter, the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 shall be passed in connection with Encroachment Case No. 07 of 2021-22.

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 Circle Officer, Pakri Dayal, District-East Champaran at Motihari, within a period of four weeks from today, which shall be considered by the Circle Officer, Pakri Dayal, in accordance with law and the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 shall be passed, thereafter and till then, no coercive action shall be taken against the petitioners. However, it is made clear that in case no objections are filed by the petitioners before the Circle Officer, Pakri Dayal, within a



period of four weeks from today, the Circle Officer, Pakri Dayal shall proceed further in accordance with law.

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

(Mohit Kumar Shah, J)

kanchan/-

U			
---	--	--	--

