

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15214 of 2024

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Ashok Kumar Pandey Son of Late Ramnarayan Pandey Resident of Village-
Natthachak, P.O.- Kachchi Dargah P.S.- Didarganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Revenue and Land Reforms Department Government of Bihar, Patna.
2. The Collector, Patna.
3. The Additional Collector, Patna.
4. The Land Reforms Deputy Collector, Patna City, Bihar.
5. The Circle Officer, Patna Sadar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhishek, Adv.

For the Respondent/s : Mr.Standing Counsel (22)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 4 25-11-2024 1. Though the present writ petition has been filed for setting aside the letter dated 14.09.2024, issued by the Circle Officer, Patna Sadar, Patna, by which the petitioner has been directed to remove the construction/alleged encroachment made over the alleged public land, which in fact is stated to be the *raiya* land of the petitioner, however, the learned counsel for the respondent State has submitted by referring to the counter affidavit filed by the respondent nos.2 to 5 that on account of pendency of a contempt petition bearing MJC No.637 of 2022, the encroachment proceedings bearing Encroachment Case No.68 of 2021-22 was again revived and then the Circle Officer,



Patna Sadar, Patna, has passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act, 1956') on 26.08.2024, whereafter notices have been issued to the encroacher under Section 6(2) of the Act, 1956, to remove the encroachment in question.

2. At this juncture, the learned counsel for the petitioner submits that a bare perusal of the order dated 26.08.2024, passed by the Circle Officer, Patna Sadar, Patna, would show that no notice has been issued to the petitioner after revival of the aforesaid Encroachment Case No.68 of 2021-22, hence the final order under Section 6(1) of the Act, 1956, has been passed illegally by the Circle Officer, Patna Sadar, Patna, as also in violation of the principles of natural justice. Thus, it is submitted that the said order dated 26.08.2024 be quashed.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file his objection before the Circle Officer, Patna Sadar, Patna, in the aforesaid Encroachment Case No.68 of 2021-22, within a period of four weeks from today, which shall be considered by him, in accordance with law and thereafter, 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 petitioner.



The said order under Section 6(1) of the Act, 1956, shall be passed by the Circle Officer, Patna Sadar, Patna, without being prejudiced by the aforesaid order dated 26.08.2024, already passed by him under Section 6(1) of the Act, 1956.

4. It is needless to state that in case no objection is filed by the petitioner, within a period of four weeks from today, in connection with Encroachment Case No.68 of 2021-22, the Circle Officer, Patna Sadar, Patna, shall nonetheless proceed 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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