

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15815 of 2023

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1. Ranjeet Yadav son of Late Phudo Yadav, resident of Village-Aure, Ward No. 13, P.S.-CheriyaBariyarpur, District-Begusarai.
 2. Shatrughan Yadav, son of Late Punit Paswan @ Punit Yadav, resident of Village-Aure, Ward No. 13, P.S.-CheriyaBariyarpur, District-Begusarai.
 3. Ashok Kumar Yadav, son of Pyare Yadav, resident of Village-Aure, Ward No. 13, P.S.-CheriyaBariyarpur, District-Begusarai.
 4. Garib Yadav, son of Late Punit Paswan @ Late Punit Yadav, resident of Village-Aure, Ward No. 13, P.S.-CheriyaBariyarpur, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Begusarai.
3. The Sub Divisional Officer, Manjhaul, Begusarai.
4. The Block Development Officer, CheriyaBariyarpur, Begusarai.
5. The Circle Officer, CheriyaBariyarpur, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bipin Kumar, Adv.
For the Respondent/s	:	Mr.Rishi Raj Sinha, SC-19
		Mr. Atul Shankar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-06-2024 The present writ petition has been filed seeking the following reliefs:-

“(i). For issuance of writ/writs in the nature of certiorari for setting aside the order dated 21.09.2023, contained in memo no.254, passed by the Sub-Divisional Magistrate Manjahul, whereby and whereunder, a date i.e. 27.09.2023 was fixed for removal of encroachment made by the petitioners.



(ii). For issuance of writ/writs in the nature of certiorari for setting aside the memo no. 420 dated 24.04.23 and memo no. 778 dated 12.07.23, issued to the petitioners whereby an order has been passed for removal of encroachment.

(iii). For issuance of writ/writs in the nature of mandamus commanding the respondents, not to disturb the physical possession of the land of petitioners upon which they have constructed their residence for the past 70 years, since they are landless, having no land for their residents purpose.

(iv). For commanding the respondents as to why they passed illegal order by stating that the petitioners have encroached the land, which falls in Mauja- Aure, thana no. 97, Khata No. 208, Khesra No. 59, area 0-10-0 decimal.”

2. At the outset, the learned counsel for the Respondent-State has admitted that the Respondent No. 5 i.e. the Circle Officer, Cheriya Bariyarpur, District-Begusarai, has till date not passed any final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), in connection with Encroachment Case No. 2 of 2019/20, however, it is submitted that the petitioners may file their objections within a period of two weeks from today, which shall be considered by the Respondent No. 5 and then the final



order under Section 6(1) of the Act, 1956 shall be passed.

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 appropriate objections in connection with Encroachment Case No. 2 of 2019-20 before the Respondent No. 5, within a period of two weeks from today, whereupon the Respondent No. 5 shall pass the final order under Section 6(1) of the Act, 1956, within a period of four weeks, thereafter and till then, no coercive action shall be taken against the petitioners.

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

(Mohit Kumar Shah, J)

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