

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16231 of 2023

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Rakesh Kumar Jha Son of Late Babu Narayan Jha, Resident of Village-
Siripur Gahar East, P.S. and Anchal- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate-cum-Collector, Samastipur.
3. The Additional Collector, Samastipur.
4. The Sub-Divisional Officer, Samastipur.
5. The Circle Officer, Khanpur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Adv.

For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-05-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1.(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the notice dated 02.07.2022 in connection with Encroachment Case No.4/2022-23, issued from the office of Circle Officer, Khanpur under section 3 of the Bihar Public Land Encroachment Act, 1956 whereby and whereunder the petitioner has been directed to remove the encroachment from the public land situated in Mauza- Sripur Gahar, Khata No.2733, Khesra No.804 measuring an area 17 dhurs.



(ii) To direct the respondent No.5 to drop the proceedings of Encroachment Case No.04 of 2022-23, taking into account that the petitioner is a landless persons residing in the land in question for the last 50 years.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file his objections in reply to the notice dated 02.07.2022, issued by the Circle Officer, Khanpur, District-Samstipur, under Section 3 of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.4 of 2022-23, however, seeks some protection during the interregnum period.

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 objections, before the Circle Officer, Khanpur, District-Samstipur, within a period of two weeks from today and in case such an objection is filed, the Circle Officer, Khanpur, District-Samstipur, shall consider the same, in accordance with law and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of six weeks, thereafter and till then, no coercive action shall be taken against the petitioner.

4. The writ petition stands disposed off on the



aforesaid terms.

(Mohit Kumar Shah, J)

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