

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16976 of 2023

-
1. Raj Kumari Devi Wife of Shrawan Sahani, resident of Village - Harpur Lohari, Sikandarpur Kundal, Police Station - Muzaffarpur Town, District - Muzaffarpur.
 2. Lalu Sahani, Son of Late Aklu Sahani, resident of village - Harpur Lohari, Sikandarpur Kundal (Bandh), Police Station - Muzaffarpur Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Additional Collector, Muzaffarpur.
4. The Block Development Officer, Kanti Block, District- Collector, Muzaffarpur.
5. The Circle Officer, Kanti Office, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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(i) For directing the respondent authority to stop the proceeding of Encroachment Case No.5 of 2022-23 pending against the petitioners before the Circle Officer, Kanti Circle Office, District - Muzaffarpur in regard to removal of encroachment over the land appertaining to Mauza Dadar Tola, Sikandarpur, Thana No. 478, Khata No. 32, Kheshra No. 93 (area 3 dhur), Kheshra No. 95 (area 16 dhur) name of survey holder - Gairmajarua Bihar Sarkar.



(ii) Also for directing the respondent to settle the land in favour of the petitioners for the purpose of their house, in view of the fact that they are landless persons, in the event of removal of their houses.”

2. At the outset, the learned counsel for the petitioners seeks two weeks' time for filing their objections before the Circle Officer, Kanti, District-Muzaffarpur in the pending Encroachment Case No.05 of 2022-23 and submits that till the final order is passed, some protection be granted to the petitioners.

3. Having regard to the limited prayer made by the petitioners in the present case, I deem it fit and proper to grant them liberty to file their objections in the aforesaid encroachment proceedings, within a period of two weeks from today, which shall be considered by the Circle Officer, Kanti, District-Muzaffarpur, in accordance with law and thereafter, the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 shall be passed forthwith and till then, no coercive action shall be taken against the petitioners.

4. It is needless to state that in case no objection is filed by the petitioners before the Circle Officer, Kanti, within a period of two weeks from today, the Circle Officer, Kanti shall be free to proceed further with the aforesaid



encroachment proceeding, in accordance with law.

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

(Mohit Kumar Shah, J)

kanchan/-

U			
---	--	--	--

