

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16856 of 2024

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1. Ashok Kumar Son of Late Kapil Deb Prasad Resident of Village- Kalpa Khurd, Police Station- Jehanabad, District - Jehanabad.
 2. Raj Kumar Son of Late Kapil Deb Prasad Resident of Village- Kalpa Khurd, Police Station- Jehanabad, District- Jehanabad.
 3. Vijay Prasad Son of Ram Prasad Resident of Village- Kalpa Khurd, Police Station- Jehanabad, District- Jehanabad.
 4. Manoj Manjhi Son of Haril Manjhi Resident of Village- Kalpa Khurd, Police Station- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Rural Development, Govt. of Bihar.
2. The Secretary, Department of Rural Development, Govt. of Bihar, New Secretariat, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Jehanabad.
5. The Sub-Divisional Officer, Jehanabad.
6. The Circle Officer, Jehanabad, District - Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Respondent/s : Mrs. Archana Meenakshee, GP-06

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-11-2024 Though the present writ petition has been filed for quashing the encroachment proceedings initiated vide Encroachment Case No. 04 of 2024-25 by the Circle Officer, Jehanabad, however, at the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Circle Officer, Jehanabad by filing their objections/replies to the notice dated 20.08.2024, issued under Section 3 of the Bihar



Public Land Encroachment Act, 1956, (hereinafter referred to as the 'Act, 1956'), however, seeks some protection during the interregnum period.

2. *Per contra*, the learned counsel for the respondent-State submits that in case appropriate objections/replies are filed by the petitioners in the aforesaid encroachment proceedings, the same would definitely be considered, in accordance with law and the Circle Officer, Jehanabad shall pass the final order under Section 6(1) of the Act, 1956.

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/replies to the aforesaid notice dated 20.08.2024, issued by the Circle Officer, Jehanabad within a period of four weeks from today, whereupon the Circle Officer, Jehanabad shall consider the same in accordance with law and 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. It is needless to state that in case no objections/replies are filed by the petitioners within a period of four weeks from today, before the Circle Officer, Jehanabad, in connection with the aforesaid Encroachment Case No. 04 of



2024-25, the Circle Officer, Jehanabad shall 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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