

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17861 of 2024

1. Dilkhush Kumar Son of Umesh Prasad Yadav, resident of Ward No. 9, Village- Bala Tola, P.S.- Puraini, P.O.- Naya Tola, District- Madhepura.
2. Anjay Kumar @ Pintu Yadav, Son of Late Janardan Yadav, resident of Ward No. 10, Village- Maheshua, P.O- Maheshua, Police Station and District- Madhepura.
3. Ravi Raushan, Son of Kaushalendra Yadav, resident of Village- Sukhasan, Ward No. 10, P.O. and P.S. Kumarkhand, District- Madhepura.
4. Bhanu Pratap, Son of Madan Kumar, resident of Ward No. 6 Jai Prakash Nagar, P.O. and P.S.- Madhepura, District- Madhepura.
5. Sarita Kumari, Wife of Navin Kumar Yadav, resident of Village- Tamour Parsa, P.S- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The Superintendent of Police, Madhepura.
5. The Sub Divisional Officer, Madhepura.
6. The Circle Officer, Madhepura.
7. The Officer-in-Charge, Madhepura Sadar Police Station, District. Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lala Sachindra Kumar, Advocate Mr. Ashok Kumar Sinha No.2, Advocate
For the State	:	Mr. Syed Hussain Majeed, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2024 Though the present writ petition has been filed for quashing the notices dated 13.01.2024 and 14.09.2024, issued by the Circle Officer, Madhepura, i.e. the respondent no.6, however, considering the fact that the same have been



issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the “Act, 1956”), the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objections before the respondent no.6, nonetheless, seeks a direction upon the respondent no.6 to consider the same and thereafter, pass the final order under Section 6(1) the Act, 1956 and during the interregnum period, it is prayed that some protection be granted.

2. *Per contra*, the learned counsel for the respondent-State submits that in case the petitioners file their objections before the respondent no.6, within a period of four weeks from today, the respondent no.6 would definitely consider the same, in accordance with law and 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 before the Circle Officer, Madhepura, i.e. the respondent no.6 within a period of four weeks from today, which shall be considered by the respondent no.6, in accordance with law, and then the final order under Section 6(1) of the Act, 1956 shall be passed,



within a period of six weeks, thereafter 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 respondent no.6, within a period of four weeks from today, the respondent no.6 shall be free 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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