

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17046 of 2023

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Amirul Son of Late Md. Bhola, Resident of Village- Genaur, P.S- Patauna
(Bisfi), District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Patna.
2. The District Magistrate, Madhubani.
3. The Circle Officer, Bisfi, Madhubani.
4. The Anchal Amin, Bisfi, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Advocate
For the Respondent/s : Mr.Government Pleader 11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 28-08-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1. That this is an application for issuance of a writ in the nature of certiorari to quash the notice dated 3-11-2023 issued by the Circle Officer, Bisfi for removing the encroachment upon the four dhoor Public Land, appertaining to Mauza Genaur, Khesra No..1328(old), 1652 (New), wherein it has been stated that an order has already been passed under section 5(1) (c) of Bihar Public Land Encroachment Act, 1956, inasmuch as every thing has been done without giving any opportunity of hearing to the petitioner in the Encroachment Case No. 34/22-23. And/Or pass any other appropriate



writ/writs, order/orders, directions for restraining the respondents not to interfere with or to break the House of the petitioner which has been made by the petitioner upon Khesra No. 1333 and not on Khesra No.1328(O), 1652(N) which has been mentioned on notice dated 03-11-2023 vide memo No. 102/N.”

2. This Court finds from the counter affidavit, filed in the present case that no final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, has been passed by the Circle Officer, Bisfi, Madhubani, in connection with Encroachment Case No.34 of 2022-23, hence the alleged encroachment in question cannot be removed without taking recourse to the due process of law.

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 objection, before the Circle Officer, Bisfi, Madhubani, in connection with Encroachment Case No.34 of 2022-23, within a period of four weeks from today, whereupon the Circle Officer, Bisfi, Madhubani shall consider the same and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of eight weeks, thereafter.

4. It is needless to state that in case no objection is



filed by the petitioner, within a period of four weeks from today, still the Circle Officer, Bisfi, Madhubani, shall proceed to pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

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

(Mohit Kumar Shah, J)

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