

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17932 of 2023

1. Ramadhar Ram son of late Nagina Ram R/of village Shahpur, Kamanpura ke Tola , PS- Manjhagarh Dist.Gopalganj.
2. Kishor Ram Son of Late Nagina Ram R/of village - Shahpur, Kamanpura ke Tola, PS- Manjhagarh Dist. Gopalganj Presently residing at vill- Bhamopali Chet Chhapra, P. S. Baraharia District- Siwan
3. Surendra Ram son of late Nagina Ram r/ ofvillage - Shahpur, Kamanpura ke Tola, PS- Manjhagarh Dist. Gopalganj Presently residing at vill- Bhamopali Chet Chhapra, P. S. Baraharia District- Siwan
4. Lal Pujan Ram son of late Nagina Ram r/of village - Shahpur, Kamanpura ke Tola,PS- Manjhagarh Dist. Gopalganj Presently residing at vill- Bhamopali Chet Chhapra, P. S. Baraharia District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector, Gopalganj
2. The District Collector, Gopalganj.
3. The Sub Divisional Officer, Gopalganj
4. The Circle Officer, Manjhagarh, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Yadav, Adv.
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC-3
		Mr. Bipin Kumar, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 03-09-2024

The present writ petition has been filed seeking the following reliefs:-

1(A). To quash the notice series dated 06.11.2023, issued u/s 6 (2) of Land encroachment Act in Land Encroachment Case No. 08/2023-24, by which the petitioners have been directed to remove the encroachment from the land in question, upon which the petitioners are residing on the basis of Parcha, granted by the



Bhudan Yagya Committee, by its certificate dated 02.01.1980.

(B). To stay the notice series dated 06.11.2023, issued u/s 6 (2) of Land encroachment Act in Land encroachment Case No. 08/2023-24, by which the petitioners have been directed to remove the encroachment from the land in question, upon which the petitioners are residing on the basis of Parcha granted by the Bhudan Yagya committee, issued vide certificate dated 02.01.1980.”

2. The learned counsel for the Respondent-State submits that since no final order was passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) by the Circle Officer, Manjha, in connection with Encroachment Case No. 8 of 2023-24 and instead, notice under Section 6(2) of the Act, 1956, was issued to the petitioners, the District Magistrate, Gopalganj, vide order dated 15.6.2024, has cancelled the notice issued under Section 6(2) of the Act, 1956 and has directed the Circle Officer, Manjha, to pass the final order under Section 6(1) of the Act, 1956, which has also been passed on the very same day i.e. on 15.6.2024.

3. The learned counsel for the petitioners points out that it is intriguing as to how the Circle Officer, Manjha, on the very



same day of cancellation of notice Under Section 6(2) of the Act, 1956, by the District Magistrate, Gopalganj, i.e. 15.6.2024, without giving any notice to the petitioners, has passed the aforesaid order dated 15.6.2024, in connection with Encroachment Case No. 8 of 2023-24, hence, the same is illegal and fit to be quashed.

4. I have heard the learned counsel for the parties and perused the materials on record. This Court finds that the Circle Officer, Manjha, in haste upon being corrected by the District Magistrate, Gopalganj, vide order dated 15.6.2024, has tried to cover up his mistakes, by passing the order under Section 6(1) of the Act, 1956 on 15.6.2024 itself, without either issuing any notice to the petitioners or complying with the principles of nature justice, muchless granting them an opportunity to put forth their defence, hence, the aforesaid order dated 15.6.2024, passed by the Circle Officer, Manjha, in connection with Encroachment Case No. 8 of 2023-24, is not only perverse, but also illegal, thus is quashed.

5. The Circle Officer, Manjha, shall issue fresh notice to the petitioners, seeking their objections and then pass the final order under Section 6(1) of the Act, 1956, in accordance with law.

6. Accordingly, the writ petition stands allowed to the



aforesaid extent.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2024
Transmission Date	NA

