

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.412 of 2024

1. Rajeev Kumar @ Rajeev Ranjan @ Hemu Singh @ Raju Kumar Son of Balram Singh @ Baliram Singh resident of village Nirakhpur Pali, P.S. Paliganj, District Patna, At present resident of village Purdilpur Sutihar, P.S. Derni District Saran, Pin - 841222.
2. Smt. Chanda Devi, Wife of Balram Singh, Resident of village Nirakhpur Pali, P.S. Paliganj, District - Patna.
3. Manorama Devi, Wife of Shatrughan Sharan Singh, Resident of village Nirakhpur Pali, P.S. Paliganj, District - Patna.
4. Bimla Devi, Wife of Late Sri Kant Singh, Resident of village Nirakhpur Pali, P.S. Paliganj, District - Patna.
5. Prabha Singh, Wife of Anuj Kumar Singh, Resident of village Nirakhpur Pali, P.S. Paliganj, District - Patna.
6. Poonam Devi, Wife of Dharendra Pratap Singh, Resident of village Nirakhpur Pali, P.S. Paliganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through The District Magistrate, Patna.
2. District Magistrate, Patna.
3. Land Reforms Deputy Collector, Paliganj, Patna.
4. Divisional Public Grievances Redressal Officer, Paliganj, Sub-Division-Paliganj, District Patna.
5. S.D.O, Paliganj, District Patna.
6. City Executive Officer, Nagar Panchayat, Paliganj, District Patna.
7. Circle Officer, Paliganj Circle District, Patna.
8. Mithilesh Kumar @ Mithilesh Kumar Yadav, Son of Sri Radha Singh, resident of village Nirakhpur Pali, P.S. Paliganj, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shanti Pratap, Adv. Mr.Surendra Kumar, Adv.
For the Respondent/s	:	Mr.Yogendra Pd. Sinha, AAG-7 Mr.Rajeev Kr. Sinha, AC to AAG-7
For the Nagar Panchayat :		Mr.Sunil Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 02-09-2024

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

“1.That this writ application is being filed for



quashing the order dated 5.10. 2023 passed by Divisional Public grievances Redressal officer, Paliganj in complain case No. 528310225072303177, by which the Circle officer, Paliganj has been directed to ensure removal of encroached Government land encroached by the petitioner. The aforesaid order has been communicated vide letter no. 743 dated 1.12. 2023.

This writ application is also being filed for quashing the Notice issued vide letter No. 640 dated 6.11. 2023, under the signature of city Executive Officer, Nagar Panchayat, Paliganj, Patna by which the petitioner no. 1 has been directed to remove encroachment within five days, otherwise action will be taken under Municipality Act as has been confirmed in the report submitted by C.O, Paliganj in complain case filed by one Mithilesh Kumar Singh in the Court of Divisional Public Grievances Redressal officer, Paliganj, Patna.

This writ application is also being filed for quashing the consequential notice dated 7.12. 2023 issued under the signature of C.O, Paliganj by which the petitioner has been directed to remove encroached Government land within five days failing which action shall be taken under the Municipality Act for removal of alleged encroachment.



This writ application is also being filed for restraining the respondents from taking any action in the matter of removing the alleged encroachment from the raiyati land of the petitioners.

This writ application is also being filed for holding that the impugned orders as contained in Annexure 1, 2, and 3 are illegal, arbitrary and without any sanction of law.”

2. At the outset, the learned counsels for the parties are in agreement that the pending encroachment proceedings initiated by the Circle Officer, Paliganj, District-Patna, i.e. the one bearing, Encroachment Case No.1 of 2024-25, is still pending consideration, hence it is agreed that the petitioner would file his objections, within a period of four weeks from today, whereupon the Circle Officer, Paliganj, District-Patna, shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law, within a period of six weeks, thereafter and till then no coercive action shall be taken against the petitioner.

3. It is needless to state that in case no objection is filed by the petitioner, within a period of four weeks from today, the Circle Officer, Paliganj, District-Patna, shall proceed ex-parte.



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

(Mohit Kumar Shah, J)

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