

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.941 of 2024

1. Shivapujan Dubey son of Late Kameshwar Dubey @ Late Kameshwar Dube resident of Village- Sonpura, P.O.- Nabi Nagar, P.S.- Nabi Nagar, District- Aurangabad.
2. Lallu Dubey son of Late Kameshwar Dubey @ Late Kameshwar Dube resident of Village- Sonpura, P.O.- Nabi Nagar, P.S.- Nabi Nagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate Aurangabad
3. The Circle Officer Navi Nagar, District- Aurangabad.
4. The D.D.C.-cum- Chief Executive Officer Zila Parishad, Aurangabad
5. The Executive Officer Nagar Panchayat, Navi Nagar, Aurangabad.
6. The S.H.O. Navi Nagar Police Station- Navi Nagar, Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shakil Ahmad Khan, Advocate
For the State	:	Mr. Jajid Salim Kham, SC-25
For Zila Parishad	:	Mr. N. Kumar, Advocate
For Nagar Panchayat	:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-11-2024 Though the present writ petition has been filed for quashing the notice dated 02.12.2023, issued by the Executive Officer, Nagar Panchayat, Navinagar, Aurangabad, for removal of encroachment made over the land, situated at Sonpura, Thana No.119, appertaining to Khata No.23, Plot No.146, admeasuring 15 decimal, however, at the outset, the learned counsel for the respondent-State submits, by referring to the counter affidavit filed in the present case, that the Circle Officer, Navinagar has



already initiated encroachment proceedings, vide Encroachment Case No.04 of 2023-24, hence in case the petitioners are so aggrieved, they may file their objections before the Circle Officer, Navinagar, i.e. respondent no.3.

2. 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 respondent no.3 in the aforesaid Encroachment Case No.04 of 2023-24, within a period of four weeks from today, which shall then be considered by the respondent no.3, in accordance with law, and the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 shall be passed forthwith and till then, no coercive action shall be taken against the petitioners.

3. It is needless to state that in case no objection is filed by the petitioners before the respondent no.3, within a period of four weeks from today, the respondent no.3 shall be free to pass the final order under Section 6(1) of the Act, 1956, *ex parte*.

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

(Mohit Kumar Shah, J)

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