

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2190 of 2024

1. Dilip Kumar Jaisawal S/o Late Kalika Parasad Jaisawal @ Kalee Prasad Jaiswal Resident of Unta Railway Station, P.S. and District -Jehanabad.
2. Dhruva Prasad Jaisawal @ Guru Prasad Jaisawal, S/o Late Kalika Prasad Jaisawal @ Kalee Prasad Jaiswal Resident of Unta Railway Station, P.S. and District - Jehanabad.
3. Shashi Kumar Gupta @ Shashi Kumar, S/o Sita Ram Gupta Resident of Unta Railway Station, P.S. and District - Jehanabad.
4. Shambhu Prasad, S/o Shree Prasad Resident of Unta Railway Station, P.S. and District - Jehanabad.
5. Aisha Khatoon, Wife of Arman Ahmad Resident of Unta Railway Station, P.S. and District - Jehanabad.
6. Umesh Prasad, S/o Pyare Saw Resident of Unta Railway Station, P.S. and District - Jehanabad.
7. Irfan Ahmed, S/o Noor Mohammad Resident of Unta Railway Station, P.S. and District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar at Patna.
2. The District Magistrate, Jehanabad.
3. The Chairman, District Board, Jehanabad.
4. The S.D.O., Jehanabad.
5. The Circle Officer, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Jha, Advocate
For the State	:	Mr. Kamlesh Kishore, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 03-01-2025 Though the present writ petition has been filed for quashing the notices dated 22.01.2024, issued to the petitioners by the Circle Officer, Jehanabad, i.e. the respondent no.5, however, the learned counsel for the respondent-State submits that only notices under Section 3(1) of the Bihar Public Land



Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), have been issued to the petitioners, hence it would be appropriate that the petitioners file their reply/objections before the Circle Officer, Jehanabad, who shall definitely consider the same, in accordance with law and pass the final order under Section 6(1) of the Act, 1956, thereafter.

2. In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their reply/objections before the respondent no.5, in connection with Encroachment Case No.20 of 2023-24, within a period of four weeks from today. Liberty so sought is granted.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Jehanabad to consider the reply/objections, to be filed by the petitioners, in accordance with law, and pass the final order under Section 6(1) of the Act, 1956, in case the same has not yet been passed, within a period of four weeks, thereafter and till then no coercive action shall be taken against the petitioners.

4. It is needless to state that in case no reply/objection is filed by the petitioners within a period of four weeks from today, the Circle Officer, Jehanabad shall, nonetheless, proceed ahead 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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