

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8250 of 2025

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1. Satendra Saw Son of Rajendra Saw Resident of Parsa, Nagwa Khas, Naubatpur P.S.- Naubatpur, District-Patna.
 2. Jitendra Thakur Son of Late Babunand Thakur, Resident of Parsa, Nagwa Khas, Naubatpur P.S.- Naubatpur, District-Patna.
 3. Lila Pari Wife of Vedlal Resident of Parsa, Nagwa Khas, Naubatpur P.S.- Naubatpur, District-Patna.
 4. Rahul Saw Son of Dwarika Saw Resident of Parsa, Nagwa Khas, Naubatpur P.S.- Naubatpur, District-Patna.
 5. Preeti Devi Son of Late Dhiraj Saw Resident of Parsa, Nagwa Khas, Naubatpur P.S.- Naubatpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The District Magistrate, Patna.
3. The Additional Collector, Naubatpur.
4. The Deputy Collector-Cum-Land Reforms, Danapur, Patna.
5. The Sub-Divisional Magistrate, Danapur, Patna.
6. The Circle Officer, Naubatpur, Distict-Patna.
7. Reeta Devi Wife of Kundan Singh, Resident of Parsa, Nagwa Khas, P.S. - Naubatpur, Dist. - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kanishka Shankar, Advocate.
For the Respondent/s : Mrs. Pushpanjali Sharma, AC to SC-20

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2025 1. Heard learned counsel for the petitioners and learned AC to SC-20.

2. The learned counsel appearing on behalf of the State submits that the petitioners have rushed to this Court against the notice dated 10.02.2025 issued by the Circle Officer, Naubatpur, Patna in Encroachment Case No.02/2024-2025,



when petitioners have remedy of filing an appeal against an order passed under section 6(1) of the Bihar Land Encroachment Act, 1956 (hereinafter referred as 'the 1956 Act'). At this stage, the learned counsel appearing on behalf of the petitioners submits that from perusal of the notice dated 10.02.2025 in Land Encroachment Case No.02/2024-2025, it would manifest that the same has been issued under section 6(2) of the 1956 Act. It is next submitted that notice under section 6(2) of the 1956 Act presupposes a final order under section 6(1) of the 1956 Act but then the petitioners till date have not been served with the final order passed under section 6(1) of the 1956 Act. It is further submitted that petitioners had approached the Circle Officer, Naubatpur for seeking certified copy of the order under section 6(1) of the 1956 Act but then the same till date has not been supplied, on which, the learned counsel appearing on behalf of the State submits that from perusal of the pleadings made in the writ application, it would manifest that the same does not even remotely suggest that any requisition has been filed by the petitioners for seeking certified copy of the order passed under section 6(1) of the 1956 Act, on which, the learned counsel appearing on behalf of the petitioners submits that the order passed under section 6(1) of the 1956 Act ought to



have been supplied to the petitioners along with the notice dated 10.02.2025.

3. The learned counsel for the petitioners next submits that petitioners will file requisition for obtaining certified copy of the order passed under section 6(1) of the 1956 Act on or before 29.05.2025, on which, the learned State counsel submits that if any requisition is filed by the petitioners for seeking the certified copy of the order passed under section 6(1) of the 1956 Act, in that event, the same shall be supplied within a week thereafter.

4. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the petitioners to file requisition for obtaining the certified copy of the order passed under section 6(1) of the Bihar Land Encroachment Act, 1956 Act by the Circle Officer, Naubatpur on or before 29.05.2025 and in the event if any requisition is filed on behalf of the petitioners for obtaining the certified copy on or before 29.05.2025, in that event, the same shall be supplied to the petitioners on or before 06.06.2025.

5. It is made clear that if any appeal is filed by the petitioners before the Collector, Patna against the order passed under section 6(1) of the 1956 Act by the C.O. in Encroachment



Case No.02/2024-2025 on or before 20.06.2025, in that event, the Collector shall consider and dispose of the appeal in accordance with law within a period of three months thereafter after giving opportunity of hearing to all concerned.

6. It is further made clear that the notice dated 10.02.2025 issued by the Circle Officer, Naubatpur in Encroachment Case No.02/2024-2025 shall remain stayed till the appeal is not decided by the Collector, Patna. It is further made clear that if no appeal is filed by the petitioners against the order passed under section 6(1) of the 1956 Act, on or before 20.06.2025, in that event, the order of stay shall automatically get vacated.

(Satyavrat Verma, J)

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