

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16550 of 2024

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Nandkumar Chaubey Son of Late Ramji Chaubey, resident of ward no. 08,
Village- Khoripakad P.S. Harsiddhi, Post Chandrahia, East Champaran, Bihar
845411.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, East Champaran.
3. Additional Collector, East Champaran.
4. The Sub-Divisional Officer, East Champaran.
5. The Circle Officer, Harsidhi, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar, Adv.
For the Respondent/s : Mr.Addl. Advocate General (7)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 4 07-01-2025 1. Though the present writ petition has been filed for quashing the proceedings of the encroachment case initiated by the Circle Officer, Harsidhi, District-East Champaran, i.e. the respondent no.5, vide Encroachment Case No.26 of 2020-21, as also providing opportunity of hearing to the petitioner, in connection with the said encroachment proceedings, however, at the outset, the learned counsel for the respondent-State has submitted by referring to the counter affidavit filed in the present case that the Circle Officer, Harsidhi, District-East Champaran, has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the



Act, 1956') on 19.04.2022, hence, in case the petitioner is so aggrieved, he may prefer an appeal under Section 11 of the Act, 1956.

2. At this juncture, the learned counsel for the petitioner has referred to the order dated 29.06.2022, passed by the Circle Officer, Harsidhi, District-East Champaran, in connection with the aforesaid Encroachment Case No.26 of 2020-21, to submit that the Circle Officer has after passing the aforesaid order dated 19.04.2022, again called for a report from the Halka Karamchari, with regard to the actual position of the land in question, hence the petitioner be granted an opportunity to file his objection, whereafter the Circle Officer, Harsidhi, District-East Champaran, may pass the final order, in accordance with law.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file appropriate objections, within a period of four weeks from today, before the Circle Officer, Harsidhi, District-East Champaran, in the aforesaid Encroachment Case No.26 of 2020-21, which shall be considered by the Circle Officer, Harsidhi, District-East Champaran, in accordance with law and thereafter, the final order shall be passed under the provisions of the Act,



1956 and till then, no coercive action shall be taken against the petitioner.

4. It is needless to state that in case no objection is filed within a period of four weeks from today, the aforesaid order dated 19.04.2022, passed by the Circle Officer, Harsidhi, District-East Champaran, shall stand revived.

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

(Mohit Kumar Shah, J)

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