

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2500 of 2024

=====

Ram Nivas Kumar @ Gappu Singh Son of Late Kanhaiya Prasad Singh,
Resident of Village - Surajpur P.O. - Nalanda, P.S. - Nalanda, District -
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Commissioner Patna Division, Patna
3. The District Magistrate, Nalanda.
4. The Circle Officer, Silao, District - Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashank Chandra
For the Respondent/s : Mr. Government Advocate 05

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-01-2026 1. The petitioner has approached this Court against the final notice dated 10.10.2023, 04.12.2023, and 02.02.2024 issued by the Circle Officer, Silao, District Nalanda, under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the Act), by which the petitioner was directed to remove the encroachment over the land bearing Khesra No. 2824, Thana No. 423 at Village Surajpur, having an area of 0.8 decimal.

2. This court, vide order, dated 15.02.2024, granted interim order in favor of the petitioner, to the extent that during pendency of this writ petition, no coercive steps shall be taken against the petitioner. A counter affidavit has been filed by the



respondent/State, stating therein that notice to the encroachers were issued under Section 3(1) of the Act with direction to appear and file their respective replies. The encroachers did not take trouble to appear and submit a reply with documents in support of their claim and a further chance was given to the encroachers issuing notice in Prapatra 1 with direction to file their explanation/showcause. But nobody appeared even after the second notice and then final order was passed by the Competent Authority under section 6(1) of the Act.

3. Learned counsel for the state, referring to notice issued to the petitioner, under Section 3 of the Act annexed with the counter affidavit, submits that notice was received by the son of the petitioner, namely Nishant Kumar on 17.09.2021. Despite time having been granted to the petitioner to file rejoinder affidavit, no rejoinder affidavit has been filed.

4. Learned counsel for the petitioner submits that despite several efforts made by him to contact the petitioner, he did not receive any response from the side of the petitioner, as such, rejoinder affidavit could not be filed.

5. Having heard learned counsel for the parties and considering the nature of dispute, the present writ application is disposed with liberty to the petitioner to file an appeal under



Section 11 of the Act, before the District Magistrate, Nalanda, within a period of 30 days from today. If the appeal is preferred by the petitioner within the aforesaid time along with condonation of delay petition, the District Magistrate, Nalanda, shall consider the same on its own merit, after giving opportunity of hearing to the petitioner and other concerned persons, and shall dispose the appeal by a speaking and reasoned order within a period of four months from the date of filing of the appeal. It is made clear that till the disposal of appeal by the District Magistrate, Nalanda, no steps for removal of encroachment from the subject land shall be taken by the respondent/authorities.

6. With the aforesaid direction and observation, the present writ application is disposed.

(Anil Kumar Sinha, J)

HarshPandey/-

U			
---	--	--	--

