

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7688 of 2018

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Kiran Devi Wife of Ganesh Kumar Ram, Resident of Mohalla-Khagra, Ward
No. 32, Town, Police Station and District-Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Kishanganj.
3. The Circle Officer, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda, Adv.

For the Respondent/s : Ms. Archana Prasad, AC to SC19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 25-07-2018

Heard Mr. Najmul Hoda, learned counsel for the
petitioner and Mr. Archana Prasad, learned AC to SC-19 for the
respondent-State.

The present writ application has been filed for
quashing the notice dated 04.01.2018, issued under the signature
of Respondent No. 3, the Circle Officer, Kishanganj in Case No.
301 of 2017-18, as contained in Annexure-2, whereby the
petitioner has been directed to submit his show cause on
24.01.2018 with regard to encroachment made over the land,
appertaining to Thana No. 144(57), Tauzi No.270, Plot No. 543,
Khata No. 254, situated in Mauza Khagra, District Kishanganj.
Further prayer has been made for quashing the notice dated
24.02.2018, issued under Section 6(2) of the Bihar Public land



Encroachment Act, 1956 (hereinafter referred to as 'the Act') under the signature of Respondent No. 3, the Circle Officer, Kishanganj, as contained in Annexure-4, whereby the petitioner has been directed to remove the encroachment from the land in question by 12.03.2018, failing which, the same will be removed by deployment of force and the cost of removal of such encroachment will be realized by the petitioner.

In pursuance to order dated 19.06.2018, the Respondent No.3, the Circle Officer, Kishanganj is present along with the records of Encroachment Case No.301 of 2017-18.

However, learned AC to SC-19 very fairly submits that notice under Section 6(2) of the Act has been issued without passing any final order under Section 6(1) of the Act. Hence, she is unable to defend the matter.

Considering the fair stand of learned AC to SC-19, the notices, contained in Annexures 2 and 4, are hereby quashed.

However, the Respondent No.3, the Circle Officer, Kishanganj will be at liberty to proceed with the matter from the stage of issuance of notice under Section 3 of the Act and take the proceeding of Encroachment Case No.301 of 2017-18 to its logical conclusion within a period of three months, by giving



due opportunity of hearing to all affected persons including, the petitioner in accordance with the provisions of the Act.

Personal appearance of Respondent No.3, the Circle Officer, Kishanganj is dispensed with.

The writ application is accordingly disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

