

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1411 of 2017

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Lal Babu Yadav S/o Late Bhikan Yadav resident of village - Belayakub, P.S. -
Bahadurpur, Dist - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Collector, Darbhanga.
3. The Circle Officer, Bahadurpur, Darbhanga.
4. The Anchal Amin, Bahadurpur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar
For the Respondent/s : Mrs. Sanghmitra Ghosh, AC to GP 15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2018 Heard learned counsels for the parties.

The present writ application has been filed for quashing Notice dated 12.9.2016 issued under the signature of Respondent No. 3, the Circle Officer, Bahadurpur in Encroachment Case No. 4 of 2014-15, as contained in Annexure 2 whereby five persons including the petitioner were asked to vacate the land appertaining to Plot No. 191 (old) 427 (new), situated at Mauza Belayakub in the District of Darbhanga.

It is submitted by learned counsel for the petitioner that measurement of the land in question was done behind his back.

However, the counter affidavit filed on behalf of Respondent Nos. 2 to 4 stipulates that on the complaint of Ram



Babu Yadav and others, Encroachment Case No. 4 of 2015-16 was initiated for getting the encroachment removed from the C.S. Plot no. 191 and R.S. Plot No. 427, Thana no. 500, situated at Mauza – Belayakub, Circle – Bahadurpur, District – Darbhanga. The petitioner was issued notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the Act) but the petitioner chose not to appear and thereafter, final order under Section 6(2) of the Act has been passed on 9.3.2017. Though the final order has not been brought on record in the counter affidavit but in view of the fact that encroachment proceeding has already been concluded, this writ application has virtually become infructuous.

Hence, this writ application is disposed of with a liberty to the petitioner to challenge the final order passed in the Encroachment Case No. 4 of 2015-16, if so advised, before the appropriate forum.

(Dinesh Kumar Singh, J)

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