

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9041 of 2019

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Bachha Singh @ Bachha Prasad Singh, S/o Late Hakim Singh, R/o Village-
Jhitkahiya, Jhitkahi @ Madho Chapra, P.S.- Meenapur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The Principle Secretary, Revenue Department, New Secretariat, Govt. of Bihar
2. The District Magistrate, Muzaffarpur
3. The Additional Collector, Muzaffarpur
4. The Circle Officer, Anchal Meenapur, District- Muzaffarpur
5. The Superintendent of Police, Muzaffarpur
6. The Officer In-Charge, P.S. Meenapur, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

2 24-04-2019 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the notice issued by the
Circle Officer, Meenapur, Muzaffarpur dated 26.03.2019
(Annexure-1).

Learned counsel for the petitioner with reference to
Annexure-1 submits that the Circle Officer, Meenapur has
issued notice for removal of encroachment against this
petitioner without following the procedure under the Bihar
Public Land Encroachment Act. He submits that the Circle
Officer has issued notice in purported compliance of the



order passed by the Sub-Divisional Officer, East Muzaffarpur in Case No. M 1164 of 2015 under Section 145 of the Cr.P.C. He further submits that in the proceeding under Section 145 of Cr.P.C., the petitioner was not a party and as such the order of the Sub-Divisional Officer is not binding on the petitioner. He further submits that the law does not permit the Circle Officer to execute the order under Section 145 of the Cr.P.C. passed by the Sub-Divisional Officer, East Muzaffarpur.

Considering the totality of the facts situation, the Court is of the view that the notice issued by the Circle Officer, Meenapur, Muzaffarpur dated 26.03.2019 is without jurisdiction and the same is accordingly quashed and the matter is remitted to the Circle Officer, Meenapur, Muzaffarpur to register a regular case for removal of encroachment and after opportunity of hearing to the petitioner the Circle Officer, Meenapur, Muzaffarpur shall decide whether the land in question is private land or public land and if it is find that the land is public land, the Circle Officer, Meenapur, Muzaffarpur shall pass appropriate order for removal of encroachment.

In the event, the land is found to be private land, he shall drop the proceeding under the Bihar Public Land Encroachment Act.



With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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