

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21985 of 2014

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1. Ram Sogarath Mahto @ Ram Swarath Mahto
 2. Dinesh Mahto
 3. Ram Bilash Mahto All sons of Late Chaturbhuj Mahto, residents of village Garhsisai, P.S. Vidyapati Nagar, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna
2. The Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna
3. The District Magistrate, Samastipur
4. The Land Reforms Deputy Collector, Samastipur
5. The Circle Officer, Vidyapati Nagar, Samastipur
6. Ram Chandra Prasad Singh S/o Sri Chandra Prasad Singh, resident of Village- Garhsisai, P.S.- Vidyapati Nagar, District- Samastipur
7. Shiv Dev Mahto S/o Ram Chandra Mahto
8. Chandeshwar Mahto S/o Shiv Dev Mahto Both residents of Village Garhsisai, P.S. Vidyapati Nagar, District- Samastipur

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2840 of 2014

Ram Chandra Prasad Singh Son Of Sri Chandra Pd. Singh Resident Of Village - Garhsisai, P.S. Vidyapati Nagar, District - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna
2. The Commissioner, Darbhanga Pramandal, Darbhanga
3. The District Magistrate, Samastipur
4. The Superintendent Of Police, Samastipur
5. The Land Reforms, Deputy Collector, Samastipur
6. The Sub - Divisional Magistrate, Dalsingsarai, Samastipur
7. The Sub - Divisional Police Officer, Dalsingsarai, Samastipur
8. The Circle Officer, Vidyapati Nagar, Samastipur
9. The Station Officer, Vidyapati Nagar, Samastipur
10. The Shiv Dev Mahto Son Of Ram Chandra Mahto Resident Of Village - Garhsisai, P.S. Vidyapati Nagar, District - Samastipur



11. The Chandeshwar Mahto Son Of Shiv Dev Mahto Resident Of Village - Garhsisai, P.S. Vidyapati Nagar, District - Samastipur
12. Ram Sogarath Mahto Son Of Chaturbhuj Mahto Resident Of Village - Garhsisai, P.S. Vidyapati Nagar, District - Samastipur
13. Dinesh Mahto Son Of Chaturbhuj Mahto Resident Of Village - Garhsisai, P.S. Vidyapati Nagar, District - Samastipur
14. Ram Bilash Mahto Son Of Chaturbhuj Mahto Resident Of Village - Garhsisai, P.S. Vidyapati Nagar, District - Samastipur

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 21985 of 2014)

For the Petitioner/s : Mr.Jitendra Kishore Verma

For the Respondent/s : Mr.Gp30- Raju Giri

(In Civil Writ Jurisdiction Case No. 2840 of 2014)

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Respondent/s : Mr.Kumari Amrita

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 06-09-2019 The first case has been filed for quashing the notice dated 21.11.2014 issued by the Circle Officer, Vidyapati Nagar, Samastipur, whereby and whereunder the said Circle Officer has issued a notice, purported to be under Section 6(2) of the ***Bihar Public Land Encroachment Act, 1956*** for removal of the encroachment made over the public land.

The second case has been filed for removal of the encroachment appertaining to khata no. 1474 and plot no. 2701 situated at village-Vidyapati Nagar, Dist-Samastipur which is stated to be “Gair Majarua Aam Rasta” type of land.

The learned counsel for the petitioner, in the first case, submits that without initiating any encroachment proceedings and also without granting any opportunity of hearing to the



petitioners herein, the impugned notice dated 21.11.2004 has directly been issued purportedly under Section 6(2) of the ***Bihar Public Land Encroachment Act, 1956***, hence the same is illegal and fit to be set aside.

The learned counsel for the respondents have not produced any final order passed by the Circle Officer, Vidyapati Nagar, Samastipur under Section 6(1) of the ***Bihar Public Land Encroachment Act, 1956***.

Having regard to the facts and circumstances of the case, the impugned notice dated 21.11.2014 issued by the Circle Officer, Vidyapati Nagar, Samastipur is quashed, however with liberty to the Circle Officer, Vidyapati Nagar, Samastipur to initiate encroachment proceedings by taking recourse to the provisions of the ***Bihar Public Land Encroachment Act, 1956***, in case he is of the view that encroachment is existing over the public land in question and in case, such encroachment proceedings are initiated by the said Circle officer, the petitioner of the first case shall be free to file objections and raise all the issues which has been raised in this writ petition.

The learned counsel for the petitioner of the second case seeks liberty to approach the Circle Officer, Vidyapati



Nagar, Samastipur for removal of encroachment, if any, in accordance with the provisions of the ***Bihar Public Land Encroachment Act, 1956.***

Liberty, so sought, is granted.

The aforesaid writ petitions stand disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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