

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14914 of 2016

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Mahesh Kumar Sinha Son of Late Rajeshwar Prasad resident of Mohalla -
Dahiyawan, P.O. - Chapra, P.S. - Chapra Town, District - Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Bihar, Patna
2. The District Magistrate-cum-Collector, Saran at Chapra.
3. The Additional Collector, Saran at Chapra.
4. The Sub Divisional Officer, Saran at Chapra.
5. The Deputy Collector Land Reforms, Sadar Sub-Division, Chapra, District - Saran.
6. The Circle Officer, Circle Office, Sadar Block, Chapra, At and P.O. and P.S. - Chapra, District - Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Praveen Prabhakar
For the Respondent/s : Mr.Md.Khurshid Alam-Aag12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-09-2019 The present writ petition has been filed for quashing the notice dated 13.02.2016 issued by the Circle Officer, Sadar, Chapra, whereby and whereunder the petitioner has been directed to remove the encroachment in question.

Admittedly, neither any encroachment proceeding has been initiated nor any opportunity has been given to the petitioner to submit his reply, hence the aforesaid notice is not in accordance with the provisions of the ***Bihar Public Land Encroachment Act, 1956***, hence is quashed. However, the Circle Officer, Sadar Chapra shall initiate fresh encroachment



proceeding and after giving an opportunity of hearing to the encroachers to file their objections, he would be free to pass an order under Section 6(1) of the ***Bihar Public Land Encroachment Act, 1956.***

The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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