

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12816 of 2019

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Ravi Kumar Singh Son of Ramashankar Singh Resident of Village- Jagirahan,
P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate Gopalganj.
3. The Sub Divisional Officer Gopalganj Sadar, Gopalganj.
4. The Circle Officer Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-07-2019 The present writ petition has been filed for quashing the notice dated 30.3.2019 and the one dated 17.6.2019 issued by the Circle Officer, Gopalganj purportedly under the Bihar Public Land Encroachment Act, 1956.

The learned counsel for the petitioner submits that without any encroachment proceedings having been undertaken, the said notices have been issued in exercise of illegal powers in pursuance to the order dated 24.11.2018 passed by the First Appellate Authority under the Public Grievance Redressal Act, 2015.

Having regard to the facts and circumstances of the case, as also upon hearing the learned counsel for the parties, this



Court is of the view that if any encroachment upon public land is required to be removed, appropriate encroachment proceedings are required to be instituted under the Bihar Public Land Encroachment Act, 1956 and only thereafter, the Circle Officer, Gopalganj could have directed the petitioner for removal of the encroachment, in case any adverse finding would have been arrived at upon passing of an order under Section 6 of the Bihar Public Land Encroachment Act, 1956.

For the reasons mentioned hereinabove, the writ petition is allowed and the aforesaid show cause notices dated 30.3.2019 and 17.6.2019 are quashed, however, with liberty to the Circle Officer, Gopalganj to institute appropriate encroachment proceedings under the Bihar Public Land Encroachment Act, 1956 within a period of one week from today and in case, such a proceeding is instituted, this Court further directs the petitioner to appear before the Circle Officer, Gopalganj on 10.7.2019 at 10:30 AM and submit his defence so that appropriate final order under Section 6 of the Bihar Public Land Encroachment Act, 1956 can be passed by the Circle Officer, Gopalganj.

It is further directed that in case, there is any laches on the part of the petitioner in approaching the Circle Officer, Gopalganj, as aforesaid, the Circle Officer, Gopalganj shall



proceed ex parte and take appropriate steps in accordance with
law.

(Mohit Kumar Shah, J)

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