

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13279 of 2019

1. Munna Kumar alias Munna Yadav S/o Late Kamal Yadav Resident of Village Pipra,P.S. Daruandha,Dist.Siwan
2. Tahidun Nisha Resident of Village Pipra,P.S. Daruandha,Dist.Siwan
3. Ram Pyar Sah S/o Saral Sah Resident of Village Pipra,P.S. Daruandha,Dist.Siwan
4. Ram Bachan Sah S/o Sundar Sah Resident of Village Pipra,P.S. Daruandha,Dist.Siwan
5. Sunil Kumar Yadav S/o Gorishankar Yadav Resident of Village Pipra,P.S. Daruandha,Dist.Siwan
6. Syed Md. Shakeel alias Shakeel Ahmad S/o Rafique Ahmad Resident of Village Pipra,P.S. Daruandha,Dist.Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate,Siwan
2. The District Magistrate, Siwan
3. The Additional Collector, Siwan
4. The Circle Officer, Daraunda,Dist.Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ravindra Nath Dubey
For the Respondent/s	:	Mr.Subash Chandra Yadav (GP-15)
		Ms. Madhuri Kumari, AC to GP-15

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-07-2019 The learned counsel for the petitioners submits that the Circle Officer, Daraunda, District-Siwan has issued notice for removal of encroachment on the land in question without hearing the petitioners herein as also without initiating any proceedings under the Bihar Public Land Encroachment Act, 1956 in purported exercise of powers said to have been derived by the Circle Officer by an order passed by the learned Division Bench of this Court in CWJC No. 2925 of 2017.

The learned counsel for the petitioners submits by referring to the order dated 28.07.2017 passed in CWJC No. 2925 of 2017 that the learned Division Bench of this Court has directed the Circle Officer concerned to register proceedings under the Bihar Public Land Encroachment Act, to issue notice to the encroachers, seek their reply and only then remove the



encroachment, in accordance with law. It is submitted that till date no encroachment proceedings have been initiated, hence the notice issued to the petitioner for removal of the encroachment is bad.

Having regard to the facts and circumstances of the case, this Court finds that the notice issued to the petitioners by the Circle Officer, Daraunda, District-Siwan, are bad in law, hence are quashed.

It goes without saying that the Circle Officer, Daraunda, District-Siwan, would be at liberty to initiate appropriate proceedings under the Bihar Public Land Encroachment Act, 1956 and after issuing notice to the petitioners and seeking their response, would be free to pass appropriate orders, under Section 6 of the Bihar Land Encroachment Act, 1956 and thereafter remove the encroachments, if any.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

