

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.749 of 2017

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Upendra Kumar Nirala @ Upendra Yadav Son of Late Dev Narayan Yadav,
Resident of Village- Kabiya, Post- Kabiya Anchal, Block- Shankarpur,
P.S.- Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna
2. The District Magistrate cum Collector, District- Madhepura.
3. The District Land Acquisition Officer, District- Madhepura.
4. The Sub-Divisional Magistrate, Madhepura cum Public Complaint Prohibition Officer Lok Sikayat Niwar
5. Prabhash Kumar, Under Anchal Shankarpur, District- Madhepura.
6. Prabhash Kumar, Anchal Amin, Shankarpur, District- Madhepura.
7. Pradeep Kumar, Son of Ram Prasad Yadav, Resident of Village and Post- Kabiya Anchal, Shankarpur Block, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 01-08-2019 The present writ petition has been filed for quashing the notice dated 12.09.2016 issued by the Circle Officer, Shankarpur, District-Madhepura, whereby and whereunder notice has been issued to the petitioner for removal of the encroachment over public land/government road.

The learned counsel for the petitioner submits that without passing any final order under Section 6 of the Bihar Public Land Encroachment Act, 1956, a notice has been issued



to the petitioner for removal of the encroachment and that too without mentioning the details of the plot or the area thereof over which the alleged encroachment is said to have been made by the petitioner herein, hence, it is submitted that the said notice dated 12.09.2016 is illegal and fit to be set aside.

At this juncture, upon enquiry made by this Court, the learned counsel for the respondents has submitted that the final order under Section 6 of the Bihar Public Land Encroachment Act, 1956 shall be passed by the Circle Officer, Shankarpur, District-Madhepura, if not already passed.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to file his objection before the Circle Officer, Shaankarpur, District-Madhepura within a period of four weeks from today, whereafter the Circle Officer, Shankarpur, District-Madhepura shall consider the same and pass a final order under Section 6 of the Bihar Public Land Encroachment Act, 1956, if not already passed.

It is needless to state that in case no objection is filed by the petitioner, the Circle Officer, Shankarpur, District-Madhepura, shall consider the objection said to have already been filed by the petitioner herein.



Till passing of the final order under Section 6 of the Bihar Public Land Encroachment Act, 1956, by the Circle Officer, Shankarpur, District-Madhepura, status quo existing as on today, shall be maintained.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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