

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14772 of 2019

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1. Brajesh Kumar @ Brajesh Prasad Son of Sri Ramjee Prasad Resident of Village- Maheshpur, P.S. Chiksaura, District- Nalanda.
 2. Tuntun Prasad @ Ranvir Prasad Son of Sri Ramjee Prasad Resident of Village- Maheshpur, P.S. Chiksaura, District- Nalanda.
 3. Bhola Prasad Son of Sri Ramjee Prasad Resident of Village- Maheshpur, P.S. Chiksaura, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda at Bihar Sharif.
3. The Sub- Divisional Officer, Hilsa, District- Nalanda.
4. The Presiding Officer, Sub- Divisional Public Complain Redressal Forum, Hilsa, District- Nalanda.
5. The Deputy Collector, Land Reform, Hilsa, District- Nalanda.
6. The Circle Officer, Hilsa, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bhola Kumar
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-07-2019 The present writ petition has been filed for quashing the order dated 05.07.2019 passed by the Circle Officer, Hilsa, Nalanda, whereby and whereunder notices have been issued to the petitioners for removing the encroachment over the land in question.

The learned counsel for the petitioners submits that without initiating any encroachment proceeding under the provisions of the Bihar Public Land Encroachment Act, 1956 or without giving any notice to the petitioners to file their objection, a notice dated 05.07.2019 has been issued suddenly without any reference to any proceeding, to remove the unauthorized encroachment made by the petitioner, hence the



notice is illegal.

Having regard to the facts and circumstances of the case and upon perusal of the materials on record, I find from paragraph-9 of the writ petition that the petitioners have made a categorical statement that no encroachment proceedings have ever been held and suddenly a notice dated 05.07.2019 has been issued to the petitioner for removal of encroachment. Relying on the statement made in the writ petition, I deem it fit and proper to quash the aforesaid notice dated 05.07.2019 issued by the Circle Officer, Hilsa, District- Nalanda with liberty to him to initiate encroachment proceedings, call for objection from the petitioners and then pass a final order under Section 6 of the Bihar Public Land Encroachment Act, 1956.

Till the passing of the final order, status quo existing as on today, shall be maintained.

It is needless to state that in case any encroachment proceeding has been initiated and any order has been passed under Section 6 of the Bihar Public Land Encroachment Act, 1956 against the petitioners herein, then the present order shall be rendered void.

S.Sb/-

(Mohit Kumar Shah, J)

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