

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15303 of 2019

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Ramvilash Prasad Son of Chuhi Mahato, Resident of Village- Kendua, P.S
Sirdala, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Circle Officer, Sirdala.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra
For the Respondent/s : Mr.Subash Chandra Yadav (GP-15)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-07-2019 The present writ petition has been filed for quashing the notice dated 18.07.2019 issued by the Circle Officer, Sirdala, District-Nawada as also the order dated 18.07.2019 passed by the Circle Officer, Sirdala, District-Nawada.

The learned counsel for the petitioner raises a short issue for consideration to the effect that on the very same day on which notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 was issued by the Circle Officer, Sirdala in connection with Encroachment Case No. 2 of 2019-20, the final order under Section 6 of the Bihar Public Land Encroachment Act, 1956 has been passed, which apparently shows that neither the encroachers have been granted opportunity of filing their objection nor their objection has been



considered.

Having regard to the legal submission made by the learned counsel appearing for the petitioner, this Court finds that the final order passed under Section 6 of the Bihar Public Land Encroachment Act, 1956, dated 18.07.2019, by the Circle Officer, Sirdala, District-Nawada is perverse and illegal, having been passed in violation of the principles of natural justice since no opportunity was ever granted to the encroachers to file their objections and put forth their defence, hence the said order dated 18.07.2019 is set aside, however, with liberty to the Circle Officer, Sirdala, District-Nawada to proceed further in the matter, after granting ample opportunity to the encroachers to file their objections.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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