

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15360 of 2019**

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1. Shivji Prasad @ Shivji Sah S/o Late Gurucharan Prasad, Resident of Village Pipra, Anchal Daranda, PS Daraunda, Dist. Siwan
  2. Shankar Prasad S/o Late Gurucharan Prasad Resident of Village Pipra, Anchal Daranda, PS Daraunda, Dist. Siwan
  3. Chandrika Prasad S/o Late Gurucharan Prasad Resident of Village Pipra, Anchal Daranda, PS Daraunda, 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, District-Siwan

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ramadhar Shekhar  
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

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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 25.06.2019 issued by the Circle Officer, Daraunda, District-Siwan, whereby and whereunder the petitioners have been directed to remove the encroachment.

The learned counsel for the petitioners submits that neither any encroachment proceeding has been initiated under the provisions of the Bihar Public Land Encroachment Act, 1956 nor any notice has been given to the petitioners seeking their objections before directing for removal of the encroachment, hence the said notice dated 25.06.2019 is illegal



and fit to be set aside.

Per contra, the learned counsel for the respondents submits that the petitioners may file objection and the same may be considered whereafter the Circle Officer, Daraunda, District-Siwan shall pass the final order under Section 6 of the Bihar Public Land Encroachment Act, 1956.

Having regard to the rival contentions made by the learned counsel for the parties, I deem it fit and proper to dispose off the present writ petition with liberty to the Circle Officer, Daraunda, District-Siwan to initiate encroachment proceedings in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956 and in case such a proceeding is initiated, ample opportunity shall be granted to the petitioners to file their objection whereupon the Circle Officer, Daraunda, District-Siwan shall consider the objections of the petitioners and pass final order under Section 6 of the Bihar Public Land Encroachment Act, 1956.

Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, the notice dated 25.06.2019 issued by the Circle Officer, Daraunda, District-Siwan is quashed, the same having been issued without initiating any encroachment proceedings under the provisions of



the Bihar Public Land Encroachment Act, 1956.

The writ petition stands allowed.

S.Sb/-

**(Mohit Kumar Shah, J)**

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