

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20214 of 2019

1. Akhilesh Kumar @ Akhilesh Singh Son of Ramkrit Patel, resident of Baruraj Tola, Mehdi Nagar Bankat, P.S. Baruraj, District- Muzaffarpur.
2. Rambali Singh, Son of Ram Lakshan Singh, resident of Krishna Toli Road, Post- MIT, P.S.- Brahampura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur.
2. The Anchal Adhikari, Motipur, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Syed Firoz Raza
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 17-10-2019

1. The present writ petition has been filed seeking to challenge the notice dated 18.07.2019 issued by the Circle Officer, Motipur, Muzaffarpur, whereby and whereunder the petitioners have been directed to remove the encroachment which has been made over the public land. It is submitted that without any notice under **Section 3** of the **Bihar Public Land Encroachment Act, 1956** or without passing any order under **Section 6(1)** of the **Bihar Public Land Encroachment Act, 1956**, the Circle Officer, Motipur, Muzaffarpur has directly issued an order for removal of the encroachment in question.

2. Having regard to the facts and circumstances of the case, this Court finds that neither the said notice dated



18.07.2019 bears any encroachment case number nor any notice under **Section 3** of the **Act, 1956** has been issued nor any order under **Section 6(1)** of the **Act, 1956** has been passed. Hence the aforesaid notice dated 18.07.2019, being contrary to the provisions of the Bihar Public Land Encroachment Act, 1956 is quashed, however with liberty to the concerned Circle Officer to initiate encroachment proceeding afresh under the provisions of the **Bihar Public Land Encroachment Act, 1956** and thereafter, pass appropriate orders under **Section 6(1)** of the **Bihar Public Land Encroachment Act, 1956** after issuing appropriate show cause notice under **Section 3 of the Bihar Public Land Encroachment Act, 1956** and seeking objection of the petitioner herein as well as after considering the same.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2019
Transmission Date	NA

