

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1580 of 2020

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1. Pramod Prasad @ Pramod Kumar Sinha, Son of Late Shivnandan Prasad Sinha, Resident of Mungeriganj, P.O. Begusarai, P.S.-Begusarai Town, District-Begusarai-851101.
 2. Meena Sinha, Wife of Sri Pratap Narain Sinha, Resident of Mungeriganj, P.O. Begusarai, P.S.-Begusarai Town, District-Begusarai-851101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The Circle Officer, Begusarai Sadar, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 03-03-2020 Heard learned counsel for the parties.

2. The present writ application has been filed seeking quashing of notices issued by the Circle Officer, Begusarai, purportedly in exercise of power under Section 6 (2) of the Public Land Encroachment Act, 1956. It is the case of the petitioners that without initiation of any proceeding after issuance of the notice under Section 3 of the Act, the said notice has been issued under Section 6(2) of the Act which is fundamentally illegal.

3. A counter affidavit has been filed on behalf of the



Respondents State of Bihar. It has been stated that a proceeding for removal of encroachment from the public land was sought to be initiated against the petitioners on the basis of a report of Revenew *Karamchari* and *Anchal Amin*. Mistakenly, the notice which ought to have been under Section 3 of the Act was shown to have been issued under Section 6(2) of the Act. It has been stated that after having realized the mistake, corrective measures have been taken. The office of the Circle Officer, Begusarai, has directed the office to issue notice under Section 3 of the Act for appearance of the petitioners for the purpose of giving them an opportunity of hearing. It has further been stated that till date no coercive step has been taken on the basis of impugned notice and no such step shall be taken before conclusion of the proceeding under the Act.

4. In view of the stand taken on behalf of the Respondents State of Bihar in the counter affidavit, no further order is required to be passed in the present proceeding.

5. This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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