

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6964 of 2021

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Priyanshu Shekhar Son of Late Ashish Yadav Resident of Village- Bahera,
P.O. and P.S. and District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Banka.
2. The Sub-Divisional Officer, Banka.
3. The Circle Officer, Banka.
4. The Halka Karamchari, Circle Office, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Pandey, Advocate
For the Respondent/s	:	Mr.Raj Kishore Raj, GP-18
		Mr. Mukul Pd. AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-03-2021 Grievance of the petitioner in the present writ application is that in Land Encroachment Case No. 01/2020-21 notice was issued by the respondent, Circle Officer, Banka after death of Ashish Yadav, the father of the petitioner without taking steps for substitution of the heirs of the late Ashish Yadav.

Learned counsel for the petitioner submits that the notice against a dead person is nullity. He submits in all fairness that the Circle Officer was required to provide opportunity of hearing to the heirs of dead Ashish Yadav.

Considering the fact that before issuing notice, the father of the petitioner died in February,2020, the notice against a dead person is nullity, accordingly, the writ petition is allowed.



The notice dated 19.9.2020 issued by the Circle Officer, Banka is quashed as it is without jurisdiction. The respondent, Circle Officer, Banka is directed to provide opportunity of hearing to the petitioner and thereafter, pass appropriate order in Land Encroachment Case No. 01/2020-21 at the earliest, preferably within a period of six months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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