

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 4215 of 2020

Pammi Devi @ Pampi Devi, aged about 48 years(F), wife of Late Niraj Prasad Singh, resident of village- Itahari, P.S. Alam Nagar, District Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar , through District Magistrate, Madhepura.
2. The Additional Collector, Madhepura.
3. The Sub-Divisional Magistrate, Madhepura, District Madhepura.
4. The Circle Officer, Alam Nagar, District Madhepura.
5. The S.H.O. Alam Nagar, P.S. Alam Nagar, District Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19
Mr. Saurabh Kumar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 09-07-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the notice dated 14.12.2019 issued by the Circle Officer, Alam Nagar, i.e. the respondent no.4, by which a notice has been given to the petitioner herei

: Section 3 of the Bihar Public Land



Encroachment Act, 1956 (hereinafter referred to as the “Act, 1956”), to show cause as to why the encroachment in question be not removed.

The learned counsel for the petitioner submits that the land in question is the private land of the petitioner herein and pursuant to an order passed under Section 6 of the Bihar Tenancy Act in Case No. 168 of 1077, a new Khatian was prepared in the name of the claimant of the land in question and since then the petitioner is in exclusive possession of that land. It is submitted that the aforesaid case was filed by the father-in-law of the petitioner.

Per contra, the learned counsel for the respondent State, Shri Rishi Raj Sinha, SC-19 assisted by Shri Saurabh Kumar, Advocate, submits that the petitioner may file reply to the show cause notice whereafter appropriate order shall be passed therein under Section 6 of the Act, 1956.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with liberty to the petitioner to file appropriate reply to the notice issued to her under Section 3 of the Act, 1956 whereupon the respondent Circle Officer, Alam Nagar, Madhepura, shall conduct an enquiry, hear the parties and pass the final order under section 6 of the Act, 1956.

It is needless to state that the petitioner shall be obliged to file reply within  weeks from today, failing which the

respondent Circle Officer, Alam Nagar, Madhepura shall be free to proceed ex-parte.

In the meantime, it is directed that status quo, existing as on today qua the land in question, shall be maintained.

(Mohit Kumar Shah, J)

Tiwary/-

