

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14211 of 2021

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Jitendra Sah S/o Swaminath Sah resident of village - Jalalpur, Dhanauti, P.S. -
M.H. Nagar, District- Siwan, Pin Code - 841236.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate - cum- Collector, Siwan.
2. The District Magistrate - cum- Collector, Siwan.
3. The Additional Collector, Siwan.
4. The Sub- Divisional Magistrate, Siwan.
5. The Deputy Collector, Land Reform, Siwan.
6. The Circle Officer, Hasanpur, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-10-2022 Though the present writ petition has been filed challenging the notice dated 17.07.2021, issued by the Circle Officer, Hasanpur, District-Siwan, whereby and whereunder the petitioner has been directed to appear before him and produce documents regarding his right, title and interest over the plot in question, however, the Ld. Counsel for the petitioner has submitted that the requisite case number has not been mentioned in the said notice dated 17.07.2021, thus there being no valid encroachment case in existence, the said notice dated 17.07.2021 is illegal and fit to be set aside.

Having regard to the facts and circumstances of the



case, not controverted by the Ld. Counsel for the State, this Court finds that the notice issued by the Circle Officer, Hansanpur, District-Siwan dated 17.07.2021, is dehors the provisions contained in the Bihar Public Land Encroachment Act, 1956, hence is nonest in the eyes of law, thus is quashed, however, the Circle Officer, Hasanpur, District-Siwan is granted liberty to initiate fresh encroachment proceedings, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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