

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4466 of 2018

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1. Krishna Murari Sharma @ Murari Sharma and Ors S/o Late Rajendra Sharma,
 2. Arun Kumar Singh, s/o Late Rajendra Singh,
 3. Vinay Kumar, S/o Late Raj Nandan Singh. null
 4. Hari Mohan Singh @ Hari Mohan Sharma, S/o Late Rajendra Singh,
 5. Prabhawati Devi, W/o Late Jhulan Prasad Singh, All resident of Village-Pillich, P.S. Parwalpur, Dist.- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Department of Revenue and Land Reform, Government of Bihar
2. The Collector cum District Magistrate, Nalanda.
3. The Deputy Collector Land Reforms, District- Nalanda.
4. The District Panchayat Raj Officer, Nalanda.
5. The Circle Officer Parawalpur, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Uday Pratap Singh, Adv.
For the Respondent/s	:	Mr. Atul Shankar, AC to SC-19
For the BGSYS	:	Mr. Ranjeet Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 30-08-2022 Though the present writ petition has been filed seeking quashing of the notice dated 12.1.2018, issued by the Circle Officer, Parawalpur, Nalanda i.e. the Respondent No. 5, directing the petitioners to remove the temporary encroachment made over land situated at Mauja-Pillich, P.S.-152, Khata No. 802, Khesra No. 2753 and 2741, which is



a Government land, however, it is the submission of the petitioners that no encroachment proceeding has been initiated prior to issuance of the aforesaid notice dated 12.1.2018, for the purposes of removal of the alleged encroachment in question.

The learned counsel for the Respondent-State has also not denied the fact that no encroachment proceedings have been initiated, however, it is submitted that if any action is required to be taken with regard to removal of the encroachment in question, the same shall be taken only after following the due process of law as also upon complying with the provisions contained in the Bihar Public Land Encroachment Act, 1956.

Having regard to the aforesaid facts and circumstances of the case, the aforesaid notice dated 12.1.2018, having been issued by the Respondent No. 5, without following the due process of law, is quashed, however, liberty is granted to the Respondent-State to proceed afresh, in accordance with law.



The writ petition stands allowed.

(Mohit Kumar Shah, J)

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