

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1339 of 2021

Govind Nath Jha Son of Late Dev Nath Jha At present Headmaster of Deodhira Sanskrit Uchcha Vidyalaya, Deep, resident of Village and Post-Deep, Via- Jhanjharpur, P.S. Madhepur, Block- Lakhsaur, District- Madhubani (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector of the District (D.M), Madhubani.
2. The Collector of District (D.M), Madhubani.
3. The Sub- Divisional Officer (S.D.O), Jhanjharpur, Madhubani.
4. The Circle Officer (C.O), Lakhsaur, Madhubani, District- Madhubani.
5. Sri Rohit Kumar S/o Sri Ram Narayan Ram (At present Circle Officer, Lakhsaur, Madhubani) resident of Gol ghar, Park Road, P.S. Gandhi Maidan, Distt- Patna, (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Nath Jha, Adv.
For the Respondent/s	:	Mr.Lalit Kishore, (AG)
For the State	:	Mr. Rishi Raj Sinha, SC-19
		Mr. Atul Shankar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 13-09-2022 A supplementary counter affidavit has been filed in the present case in pursuance to the earlier order of this Court dated 05.09.2022, wherein it has been admitted that neither any encroachment case number was assigned to the illegal encroachment proceedings, purportedly initiated by the Circle Officer, Lakhsaur, Madhubani, nor any order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, (herein after referred to as the Act,1956) was ever passed, nonetheless, the Circle Officer, Lakhsaur, Madhubani had illegally issued a



notice to the petitioner under Section 6(2) of the Act, 1956. Therefore, it has been submitted that the aforesaid mistake has been now rectified and the encroachment proceeding in question, initiated illegally, has been dropped.

In such view of the matter, this Court holds that the notice dated 18.02.2020, issued by the respondent no. 4 under Section 6(2) of the Act, 1956 is illegal and void.

This Court further deems it fit and proper to direct the District Magistrate, Madhubani, to conduct an enquiry and initiate appropriate departmental proceeding against the defaulting/erring Circle Officer concerned as also suspend him forthwith and submit a report to the Registrar General of this Court within a period of 2 weeks from today, failing which the District Magistrate, Madhubani shall not draw his salary.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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