

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13619 of 2022

=====

Akhilesh Kumar Gupta Son of Ram Ratan Prasad Gupta @ Ram Ratan Sao,
resident of village - Khadiha, P.O. - Nisarpura, Police Station - Parsa Bazar,
District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Bihar Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Circle Officer, Phulwarisharif, District - Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Respondent/s : Mr.Raj Kishore Roy (Gp 18)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 11-10-2022 The present writ petition has been filed for quashing the notice dated 10.8.2022, issued by the Circle Officer, Phulwarisharif, Patna, directing the petitioner to remove the encroachment in question and report about the same to him.

It is the contention of the learned counsel for the petitioner that without either issuing any notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 or passing any order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, the Circle Officer, Phulwarisharif, Patna has illegally issued a notice



under Section 5(2) of the Bihar Public Land Encroachment Act, 1956, directing the petitioner to remove the encroachment in question.

On the previous occasions, the District Magistrate, Patna and the Circle Officer, Phulwarisharif were present in the Court, when the case was called out for hearing and it had been admitted that gross illegality has been committed, in the present case, by the then Circle Officer, Phulwarisharif, by issuing an illegal notice under Section 5(2) of the Bihar Public Land Encroachment Act, 1956, a provision which is non-existent in the Act, 1956 itself. In such view of the matter, this Court had directed the District Magistrate, Patna to conduct an enquiry into the ongoing within the Circle, Pulwarisharif and take appropriate action, pursuant whereof, the District Magistrate, Patna had conducted an inspection on 22.9.2022 and he has found several irregularities and illegalities to have been committed by the Circle Officer, Phulwarisharif, which has ultimately led to suspension of the said Circle Officer,



Phulwarisharif, by an order dated 8.10.2022, passed by the Revenue and Land Reforms Department, Government of Bihar, Patna. It is also submitted by the learned counsel appearing for the Respondent-State that departmental proceeding is under contemplation and the same shall be initiated very soon, whereafter appropriate punishment would definitely be awarded qua the said Circle Officer, Phulwarisharif, however, Prapatra 'क' has already been issued to him.

At this juncture, the learned counsel for the Respondent-State has also submitted that the encroachment proceeding, whatsoever pending against the petitioner, has already stood withdrawn, hence, nothing survives for consideration in the present case. This fact is not disputed by the learned counsel for the petitioner.

Accordingly, the present writ petition stands disposed of as not pressed.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

