

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18542 of 2021

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Ramadhar Singh Son of Late Raktu Singh Resident of Village - Dihpali,
Police Station- Paliganj in the district of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate - cum- Collector, Patna.
5. The Sub- Divisional Magistrate, Paliganj in the district of Patna.
6. The Circle Officer, Paliganj Anchal in the district of Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-12-2022 The present writ petition has been filed seeking quashing of the notice dated 24.09.2021, issued by the Circle officer, Paliganj Anchal, Patna i.e. the respondent no. 6 under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”). It is the complaint of the petitioner that the respondent no. 6 had though initiated an encroachment case bearing Encroachment case no. 10 of 1981-82, against the vendor of the petitioner namely Deo Prasad Paswan, however, the same was dropped vide order dated 15.05.1981.



The learned counsel for the respondent- State has filed a counter affidavit, which is taken on record from which, it is apparent that the Circle officer, Paliganj has acted subsequently, by issuing the impugned notice dated 24.09.2021, on account of the order passed by the Hon'ble Patna High Court and the ensuing contempt petition filed before this Court, however, it has been stated in the said counter affidavit that steps have been taken to cancel the Jamabandi existing in the name of the petitioner but this Court finds that there is no whisper regarding passing of the final order under Section 6(1) of the Act, 1956. Thus, obviously, the notice under Section 6(2) of the Act, 1956 is illegal, hence is quashed.

At this juncture, the learned counsel appearing for the State seeks liberty on behalf of the State to initiate appropriate action, in case Jamabandi, existing in the name of the encroachers including the petitioner herein, is cancelled. Liberty so sought is granted.

The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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