

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2620 of 2018**

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Madan Yadav Son of Late Saryug Yadav, Resident of Village- Chourhi, P.S. Sakri, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Land Reforms and Revenue Department, Bihar, Patna
2. The District Collector, Madhubani.
3. The Sub- Divisional Officer Civil Madhubani.
4. The Circle Officer Rahika Block Madhubani.

... .. Respondent/s

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**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr.Gagan Deo Yadav, Advocate  |
| For the Respondent/s | : | Mr.Rishi Raj Sinha- SC19      |
|                      | : | Mr. Atul Shankar, AC to SC 19 |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      26-07-2022                      The present writ petition has been filed for quashing the notices dated 16.12.2017 and 16.01.2018, issued by the Circle Officer, Rahika, Madhubani i.e. the respondent no. 4, by which the petitioner has been directed to remove the encroachment from the land bearing Khesra no. 5052 under mauza Chauri (Balua), on which the father of the petitioner had constructed the house.

The learned counsel for the petitioner has submitted that without either initiating any encroachment proceeding or without passing any final order under **Section 6(1) of Bihar Public Land Encroachment Act, 1956**, the said impugned notices dated 16.12.2017 and 16.01.2018 have been issued to



the petitioner, hence are illegal.

Upon a query being put to the learned State Counsel as to whether any encroachment proceeding was initiated and as to whether any case number was assigned, he is at a loss to answer the said query.

In such view of the matter, this court holds that the aforesaid notices dated 16.12.2017 and 16.01.2018 are illegal and contrary to law, hence are quashed, however liberty is granted to the respondent no. 4 to initiate fresh proceedings under the provisions of the ***Bihar Public Land Encroachment Act, 1956.***

The writ petition stands allowed on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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