

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2417 of 2018

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Birbal Ram Son of Late Lalan Ram resident of Village and Post - Arrapatti,
Via Mahishi, P.S. - Jalsi, District - Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Saharsa.
3. The Circle Officer, Mahishi, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Sinha,Advocate
For the Respondent/s : Mr.Sajid Salim Khan,SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 26-09-2022 Though the present writ petition has been filed for quashing the notice dated 08.12.2017, issued by the Circle Officer, Mahishi, Saharsa, whereby and whereunder, the petitioner has been declared to be an encroacher, as also for grant of compensation for illegal demolition of the boundary wall of the petitioner on 19.01.2018, however, during the interregnum period, an enquiry has been conducted and a report has been annexed to the counter affidavit filed by the District Magistrate, Saharsa, wherein, it has been admitted that the provisions contained in Bihar Public Land Encroachment Act, 1956, especially Section 3, 5 and 6 thereof, have not been complied with, and instead the Circle Officer, Mahishi, Saharsa has taken illegal action and demolished the boundary wall of the petitioner. It is also not in dispute that the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, has neither been produced nor passed by the Circle Officer, Mahishi, Saharsa, in connection with Encroachment Case No.



12 of 2018-19, hence, this Court finds that the respondent authorities have acted illegally in the present case.

In such view of the matter, this Court directs the Chief Secretary, Government of Bihar, Patna, to immediately suspend the defaulting officials, initiate departmental proceedings against them, conclude the same within a period of six months from today and submit a report with the Registrar General of this Court, within a period of six months from today.

Having regard to the facts and circumstances of the case, it is declared that the boundary wall of the petitioner has been demolished illegally and this Court further directs that the respondents shall not interfere with the peaceful possession of the petitioner over the land in question appertaining to Khesra No. 675 and one unnumbered plot which is in between Khesra No. 675 and Khesra No. 681 situated in Circle-Mahishi, however, liberty is granted to the respondents to proceed further, strictly in accordance with law, in case they propose to do so in future.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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