

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3345 of 2018

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Ashok Baidya Son of Anirudh Baidya, Resident of Village- Chorbai, P.S.-
Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Banka.
3. The Sub Divisional Officer, Banka.
4. The Circle Officer, Amarapur Anchal, P.S.- Amarapur, District- Banka.
5. The Officer In-charge, Amarapur Police Station, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shakti Suman Kumar, Advocate Mr. Rajesh Ranjan, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan, Standing Counsel-25 Ms. Prakritita Sharma, AC to Standing Counsel-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 19-07-2022 Though the present writ petition has been filed for quashing the notice dated 12.09.2017 issued by the respondent no. 4 i.e. the Circle Officer, Amarapur Circle, District-Banka, whereby and whereunder the petitioner has been directed to produce documents to show his right and title over the land in question but it has been canvassed before this Court that the said notice is itself illegal inasmuch as the same also directs the petitioner to remove the alleged encroachment in question without ever having granted any opportunity of hearing to the petitioner.

The learned counsel for the respondent-State submits that



if appropriate proceedings have not been initiated under the provisions contained in the Bihar Public Land Encroachment Act, 1956, the respondent no. 4 shall definitely follow the provisions contained in the Bihar Public Land Encroachment Act, 1956 and take appropriate action.

Having regard to the facts and circumstances of the case, the aforesaid notice dated 12.09.2017 issued by the respondent no. 4 i.e. the Circle Officer, Amarpur Circle, District-Banka is quashed, however, liberty is granted to the respondent no. 4 to take appropriate action, in accordance with law, as also in accordance with the provisions contained in the Bihar Public Land Encroachment Act, 1956.

The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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