

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16711 of 2018

=====

Haribansh Jha Son of Late Yogendra Jha resident of Village PO - Harpur
Alloth, Police Station – Musri Gharari, District - Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the principal Secretary, Department of Revenue & Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Darbhanga Division.
4. The Collector, Samastipur.
5. The Deputy Collector Land Reforms, Samastipur, District - Samastipur.
6. The Sub-Divisional Magistrate, Samastipur, District - Samastipur.
7. The Circle Officer, Samastipur, District - Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr.Subash Chandra Yadav- GP15

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-09-2022 Though the present writ petition was filed for quashing the notice issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) in connection with Encroachment case no. 14 of 2017-18 as also the notice dated 19.05.2018, issued under Section 6(2) of the Act, 1956, however, it is the submission of the learned counsel appearing for the respondent- State that though the final order was passed under Section 6(1) of the Act, 1956 on 17.04.2018 and the encroachment was removed on 09.08.2018, however, since no portion of the house of the



petitioner has been demolished, obviously the aforesaid notice dated 17.04.2018, under Section 3 of the Act, 1956 was issued by mistake to the petitioner herein, consequently, the notice dated 19.05.2018, issued by the Circle officer, Samastipur has been rendered void.

In such view of the matter, the apprehension of the petitioner is misplaced, however, it is observed that in case, if at all, at any moment of time, the respondents deem it fit and appropriate to proceed against the petitioner, they shall proceed in accordance with law and due opportunity shall be granted to the petitioner to present his case, before taking any steps, detrimental to the petitioner.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

