

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1111 of 2023

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Brija Narayan Singh Son of Ram Pravesh Singh Resident of Village- Jinoriya,
Police Station- Daud Nagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector-cum-District Magistrate, Aurangabad.
2. The Collector-cum-District Magistrate, Aurangabad.
3. The Sub-Divisional Magistrate, Daudnagar, District- Aurangabad.
4. The Circle Officer, Daudnagar, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh, Advocate Mr. Priya Sinha, Advocate Mr. Rajeev Kumar, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc 19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-10-2023 1. The present writ petition has been filed
seeking the following relief:-

“That this is an application for issuance of an appropriate writ/writs setting aside the notice dated 26.10.2022 issued under Sub-Section 2 of Section 6 of the Bihar Land Public Encroachment Act, 1956 by the Circle Officer, Daudnagar in Encroachment Case No.07 of 2022-23 whereby he has directed the petitioner to comply the order by removing the encroachment from the Public Land bearing Khata No.43, Plot No.551 situated in Mauza Jinoriya, Daudnagar.”



2. The learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record, wherein it has been stated that upon enquiry and measurement of the land in question, it has transpired that the premises, which is in occupation of the petitioner, is a private raiyati land and the petitioner has not encroached any portion of the public land, hence the encroachment proceedings qua the petitioner have been dropped and it has been recommended to initiate a departmental proceeding against the then Circle Officer, Daudnagar as well as Anchal Amin, who had initiated the encroachment proceedings illegally.

3. In such view of the matter, the learned counsel for the petitioner submits that since the respondents are not proceeding with the encroachment proceedings in question, as against the petitioner, the present writ petition be disposed off.

4. Accordingly, the writ petition stands disposed off, however with a direction to the



respondent-authorities to ensure that the then
Circle Officer, Daudnagar and Anchal Amin are
suspended forthwith and appropriate departmental
action is taken immediately.

(Mohit Kumar Shah, J)

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