

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5411 of 2017

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Hiralal Sah Son of Late Ramashish Sah Resident of Village - Nandwara, P.S.
Bairganja, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Magistrate, Sitamarhi.
4. The Deputy Collector Land Reforms, Sitamarhi.
5. The Circle Officer, Bairganja, Circle - Bairganja, District - Sitamarhi.
6. The Officer-in-Charge, Bairganja, District - Sitamarhi.
7. Tara Devi Wife of Badari Das Resident of Village - Nandwara, P.S.
Bairganja, District - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan- Sc25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-04-2023 Though the present writ petition has been filed seeking quashing of the notices dated 20.01.2017 and 06.02.2017, issued by the Circle Officer, Bairganja, District-Sitamarhi to the petitioner to remove the encroachment made over the land in question, however, it is apparent that no encroachment proceedings have been initiated by the Circle Officer, Bairganja, District-Sitamarhi under the provision of the Bihar Public Land Encroachment Act, 1956, before issuing the aforesaid notices, hence, the aforesaid notices dated 20.01.2017 and 06.02.2017 are held to be illegal and void, hence, stand



annulled. Nonetheless, the Circle Officer, Bairgania, District-Sitamarhi is granted liberty to initiate appropriate proceedings as per the provisions contained in the Bihar Public Land Encroachment Act, 1956, in case he is of the opinion that encroachment has been made over the public land.

Accordingly, the writ petition stands disposed off.

(Mohit Kumar Shah, J)

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