

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2472 of 2023

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Dharm Nath Singh S/o- Late Devcharan Singh Resident of Village- Gorkhari,
Police Station- Vikram, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
2. The Director, Land Record and Measurement Department, Patna.
3. The Collector, Patna.
4. The Additional Collector, Vikram, Patna.
5. Sub-Divisional Officer, Paliganj, Vikram, Patna.
6. The Circle Officer, Vikram, Patna.
7. Circle Inspector, Circle Office, Vikram, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suresh Mishra,Adv.
For the Respondent/s : Mr.Sajid Salim Khan,SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-03-2023 The present writ petition has been filed seeking the
following reliefs:-

"1.(I) For issuance of an appropriate writ/writs or order/orders or direction/directions in the nature of certiorari for quashing the order contained in letter no.306 dated 02.02.2023 passed in Encroachment Case No.03/22-23 whereby and where under the petitioner has been directed to remove encroachment from land bearing plot no.3330 & 3331 situated in Mauza-Gorkhari, Thana no.65, Police Station-Bikram, upto the date 20.02.2023.

(II) For issuance of an appropriate



writ/writs or order/orders or direction/directions in the nature of mandamus commanding the respondent concerned authority to accept revenue rent of the land in question and issue rent receipt in favour of the present petitioner."

The learned counsel for the respondent-State has filed a counter affidavit, sworn by the District Magistrate, Patna, wherein in paragraph no.12, it has been stated that no order has been passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, against the petitioner and an illegal notice has been issued to the petitioner on 02.02.2023, under Section 6(2) of the Bihar Public Land Encroachment Act, 1956. It is also submitted that a show cause has been issued to the Circle Officer, Bikram, as to why a departmental proceeding be not initiated against him for issuing an illegal notice and in the meantime, he has also been asked to withdraw the aforesaid notice dated 02.02.2023.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Patna, to take appropriate action, in accordance with law, against the erring Circle Officer, Bikram, and report the same to the Registrar General of this Court.

The statement made by the District Magistrate,



Patna, to the effect that the notice dated 02.02.2023, has been issued illegally, is taken note of and accordingly the said notice dated 02.02.2023 stands annulled.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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