

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2972 of 2023

=====

Ram Pravesh Sharma Son of Late Awadh Bihari Singh, Advocate Patna High Court, Resident of Village- Kamta, P.S. Hilsa, District - Nalanda, at present living at Deo Nagar Road No. 1, Pipra - Patna, P.S. Gopalpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. District Magistrate, Nalanda at Biharsharif.
3. Subdivisional Officer, Hilsa, District Nalanda.
4. Subdivisional Police Officer, Hilsa, District Nalanda.
5. Circle Officer, Hilsa, District Nalanda.
6. Station House Officer, Hilsa, District Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms.Madhuri Kumari, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (SC 19)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-03-2023 In pursuance to the earlier order of this Court dated 14.03.2023, the District Magistrate, Nalanda at Biharsharif has filed a counter affidavit, wherein it has been admitted that the notices dated 13.01.2023 and 30.01.2023 were not issued in accordance with the provisions contained in the ***Bihar Public Land Encroachment Act, 1956***, hence the aforesaid notices have been annulled. This Court further finds from the counter affidavit, filed by the District Magistrate, Nalanda at Biharsharif that the proceedings of the encroachment case in question bearing Encroachment case no. 20 of 2017-18 have not been conducted in a proper manner, as per the prevailing law, hence, show cause has



been asked from the Circle Officer, Hilsa, Nalanda and necessary disciplinary proceeding shall be initiated against him, thereafter.

Having regard to the facts and circumstances of the case, this Court finds that now since the respondent- authorities have admitted their mistake and sought to rectify their illegal acts, resultantly, the proceedings of the Encroachment case no. 20 of 2017-18 stands vitiated in the eyes of law, hence are quashed, however, liberty is reserved to the respondent- authorities to proceed afresh, in accordance with law.

At this juncture, the learned counsel for the petitioner submits that the proceedings of one another encroachment case bearing Encroachment case no. 1 of 2021-22 had been amalgamated with the aforesaid encroachment case, hence, it be clarified that on account of quashing of the aforesaid encroachment case no. 20 of 2017-18, the said encroachment case shall also be deemed to have stood annulled.

It is clarified, accordingly.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

