

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2684 of 2023

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Siyaram Sharma @ Siyaram Singh Son of Late Jaipum Singh Resident of
Village-Gorakhri, P.s.-Bikram, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reform, Bihar, Patna.
2. The Collector Cum Divisional Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. Sub-Divisional Officer, Paliganj, District-Patna.
5. The Deputy Collector Land Reforms, Paliganj, District-Patna.
6. The Circle Officer, Bikram, P.S.-Bikram, District-Patna.
7. S.H.O., P.S.-Bikram, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhav Raj,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:-

*"A. writ in the nature of certiorari or any
other appropriate writ/s, order/s, direction/s the
quashing the following:*

*The order contained in Letter No. 306
dated 02.02.2023. in Encroachment Case
No. 03/2022-23 issued to the Petitioner
with a direction to remove the
encroachment from Khasra No.3330 by
20.02.2023 for which an order was passed
under Section-5 (1) (C) of the Bihar Public*



Land Encroachment Act, 1956 under which the aforesaid land was found to be public land as defined under Section-5 (2) of the Act.

B. A writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s commanding the respondents for the following:

I. To hold the order contained in Annexure-4 to be without jurisdiction and in complete violation of the provisions of Bihar Public Land Encroachment Act, 1956.

II. To restrain the respondents from giving effect to the order contained in Annexure-4 to the petition.

III. To hold that the Petitioner has right title and interest over the property upon which his residential house is constructed for more than 70 years."

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

(Mohit Kumar Shah, J)

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