

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8924 of 2023

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Binod Kumar Singh Son of Bhola Singh, Resident of Village-Uttardaha, P.S.-
Jagdishpur, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Bhojpur at Ara.
3. The Sub Divisional Magistrate, Jagdishpur, District-Bhojpur.
4. The Circle Officer, Jagdishpur, Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar, Adv. Mr.Rajeev Ranjan, Adv.
For the Respondent/s	:	Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-07-2023

1. The present writ petition has been filed seeking
the following reliefs:-

“i) For issuance of an appropriate writ directing and commanding the respondent authorities to quash the entire proceeding initiated in Encroachment Case No. 01/2023-24 in respect to the petitioner initiated by the Circle Officer, Jagdishpur Block, District-Bhojpur.

(ii) For issuance of an appropriate writ directing and commanding the respondent authorities to quash the notice dated 06.05.2023 whereby the Circle Officer, Jagdishpur Block, District Bhojpur directed to remove encroachment from Thana No. 234, Khata No. 299, Plot No. 491, situated in Mouza-



Uttardaha, till 24.05.2023 (Annexure-4).

(iii) For issuance of an appropriate writ directing and commanding the respondent authorities to quash the letter No.694 dated 31.05.2023 issued by the Circle Officer, Jagdishpur Block, District Bhojpur whereby directed to remove the encroachment from the land in question otherwise forcibly encroachment in question will be removed on 03.07.2023 (Annexure-7).

(iv) For issuance of an appropriate writ directing and commanding the respondent authorities to stay further proceeding in connection with Encroachment Case No. 01 of 2023-24 in respect to the petitioner pending in the court of Learned Circle Officer, Jagdishpur Block, District- Bhojpur.”

2. At the outset, the learned counsel for the petitioner has submitted that no notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘the Act, 1956’), has been issued to the petitioner and still he is being sought to be evicted from the land in question, to which the learned counsel for the respondent-State has submitted that an encroachment proceeding vide Encroachment Case No.1 of 2023-24, was initiated against the encroachers, whereafter an order dated 06.05.2023, has been passed by the Circle Officer, Jagdishpur, Bhojpur at Ara, however, this Court finds that the same cannot be said to be an order, strictly under Section 6(1) of



the Act, 1956, hence the entire encroachment proceeding qua the petitioner herein stands vitiated in the eyes of law, hence is quashed.

3. Having regard to the facts and circumstances of the case and considering the materials available on record, I deem it fit and proper to direct the Circle Officer, Jagdishpur, Bhojpur at Ara, to issue fresh notice to the petitioner under Section 3 of the Act, 1956, whereupon he shall seek his response and after considering the same and hearing the petitioner, he shall pass the final order under Section 6(1) of the Act, 1956 and till then status quo, existing as on today qua the land/house of the petitioner in question shall be maintained.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2023
Transmission Date	NA

