

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10746 of 2022

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Ramesh Kumar Sharma, Son of Ramdeo Sharma, Resident of Village - Darve,
Bhadaur, P.S. - Darve Bhadaur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Barh, Patna.
4. The Circle Officer, Pandarak, Barh, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Advocate Mr. Nalin Ranjan, Advocate Mr. Abhay Kumar, Advocate
For the Respondent/s	:	Mr. Rampravesh Nath Tiwari, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 16-05-2023

Heard Mr. Abhay Kumar, learned counsel appearing on behalf of the petitioner and Mr. Rampravesh Nath Tiwari, representing the State of Bihar.

2. By invoking the extra ordinary jurisdiction of this Court, under Article 226 of the Constitution of India, the petitioner seeks quashing of the notice dated 10.06.2022 issued under the signature of Circle Officer, Pandarak in Encroachment Case No. 18/2021-2022 whereby direction has been issued to remove the encroachment by 30.06.2022 over the land bearing Thana No. 293, Thana- Darvey Bhadaur, Village- Darvey Bhadaur, Patna having Khesra No. 2243, Area 36 decimals.



3. Considering the submissions made on behalf of the petitioner that the order of removal of encroachment has been passed without issuing the proper notice or providing an opportunity of hearing this Court vide order dated 01.05.2023, directed the District Magistrate, Patna to enquire into the matter and bring on record any order passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the “Act”) in connection with Encroachment Case No. 18 of 2021-2022.

4. In deference to the aforementioned order of this Court, a counter affidavit has been filed on behalf of the respondent nos. 2 to 4, which is taken on record.

5. With reference to the statement made in the counter affidavit submission has been made on behalf of the State respondents that notice for removal has been issued without passing any order under Section 6(1) of the Act. Hence, the notice dated 10.06.2022 issued under Section 6(2) has been set aside and further direction has been given to the Circle Officer to pass appropriate order under Section 6(1) of the Act, in accordance with law.

6. Considering the averments made in the counter affidavit and the submissions of the parties, this Court deems it



appropriate to dispose of the writ application with a direction to the respondent no. 4 to pass appropriate final order under Section 6(1) of the Act, within a period of two weeks from the date of receipt/production of a copy of this order, in accordance with law.

7. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2023.
Transmission Date	NA

