

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10805 of 2023

1. Lalji Ram Son of Late Ramanand Ram Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
2. Sunaina Devi W/o Sunil Ram Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
3. Ramnath Ram Son of Kodai Ram Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
4. Ramchandra Ram Son of Late Bansidhar Ram Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
5. Sanehi Ram Son of Rambidhi Ram Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
6. Munna Ansari Son of Late Isha Miya Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
7. Baban Singh Son of Ramraj Singh Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
8. Krishna Singh Son of Shiv Janam Singh @ Shiv Bhajan Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
9. Nirmala Devi W/o Lalan Singh Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
10. Binod Kumar Singh @ Binod Singh Son of Late Shiv Mangal Singh Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
11. Rajan Kumar Singh Son of Bhola Singh Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.
12. Ashok Singh Son of Late Yamuna Singh Resident of Village-Bahuara, P.O. Maidhara, P.S.-Suryapura, Anchal-Bikramganj, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through teh Additional Chief Secretary Cum Principal Sectary, Department of Revenue and Land Reforms, Govt. of Bihar, Patan-15.
2. The Additional Chief Secretary Cum Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna-15.
3. The Collector Cum District Magistrate, Rohtas at Sasaram.
4. The Additional Collector, Public Grievance redressal, Rohtas at Sasaram.
5. The Sub-Divisional Public Gribhance redressal Officer, Bikramganj,



District-Rohtas.

6. The Circle Officer, (Anchal Adhikari) Birkramganj, Rohtas.
7. Saroj Singh Son of Late Dinanath Singh Resident of Village-Bahuara, P.S. Surajpura, District-Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Bhakta
For the Respondent/s : Mr.Rishi Raj Sinha (Sc 19)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-12-2023 Heard the learned counsel for the parties.

2. This application has been filed for quashing the notice dated 24.11.2022 and 20.12.2022 issued by the Circle Officer, Bikramganj, Rohtas under Bihar Public Land Encroachment Act, 1956.

3. Paragraph 8 of the writ petition reads as follows:-

“8. That on the basis of order contained in Annexure-3 encroachment proceeding was initiated vide encroachment case no. 6/2022-23 by the Aanchal Adhikari Bikramganj notices under form -3 (1) under Bihar Public land encroachment land Act has been issued upon petitioners on 24-11-2022 thereafter notices under form -2 under section 6 (2) of Bihar Public land encroachment Act issued upon the petitioner thereby petitioners are directed to removed encroachment from the lands mentioned therein till 09-1-2023. Fact is that both notices dated 24-11-2022 and 20-12-2022 are not served upon the petitioner and



same has been served in the month of 7th July 2023 by the office of C.O. Bikraganj. Due to this petitioners are not raised objections within time.”

4. The basic contention of the petitioners is that no notice of initiation of any encroachment proceedings has been served upon the petitioners therefore the final notice under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 is illegal.

5. Service of notice is *sine qua-non* proceeding. Without encroachment proceeding, the petitioner cannot be declared encroachers without service of notice and without hearing them.

6. In these circumstances, this writ petition is allowed and the notices dated 24.11.2022 and 20.12.2022 issued by the Circle Officer, Bikramganj, Rohtas under the Bihar Public Land Encroachment Act, 1956 is hereby quashed.

7. The matter is remitted back to the Circle Officer, Bikramganj, Rohtas for fresh consideration.

8. The Circle Officer, Bikramganj, Rohtas will initiate a fresh proceeding against the petitioner and will proceed further after proper service of notice in accordance with law. The proceeding must be concluded in *Blah Blah* manner.



9. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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