

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20222 of 2021

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Raj Kishor Singh Son of Late Ram Pravesh Singh Resident of Village-Bahuara, Police Station-Gaurichak, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Cum District Magistrate, Patna.
2. The Sub Divisional Officer, Sadar, Patna, District-Patna.
3. The Circle Officer, Sampatchak, Patna, District-Patna.
4. Rajesh Kumar Jha Son of Sri Dinesh Kumar Jha, Resident of LIG, 366, Block-6, Bhutnath Road, Housing Colony, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 4 26-04-2023 Though the present writ petition has been filed for quashing the notice dated 30.11.2021, issued by the Circle Officer, Sampatchak, Patna, in connection with Encroachment Case No. 5 of 2021-22, however, the learned counsel for the Respondent-State has failed to show from the counter affidavit, filed in the present case, that any final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act, 1956') has been passed by the Circle Officer, Sampatchak, Patna, in connection with Encroachment Case No. 5 of 2021-22, hence, the aforesaid notice dated 30.11.2021, issued by the Circle Officer, Sampatchak, Patna, purportedly under Section 6(2) of the Act, 1956, is illegal,



hence, is quashed, however, liberty is reserved to the Circle Officer, Sampatchak, Patna, to take recourse to the due process of law and proceed afresh, in case he is of the view that the petitioner has encroached public land.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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