

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24033 of 2018

1. Sri Narain Pandey Son of late Baldev Pandey
2. Sri Janmjay Pandey Son of late Baldev Pandey Both are resident of village-Marwa, P.S.-Pakribarawan District-Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Nawada
2. The Sub-Divisional Officer, Nawada
3. The Circle Officer, Pakribarawan, Dist-Nawada
4. Officer in-charge Pakribarawan Police station Dist-Nawada

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha- SC19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 19-04-2023 Though the present writ petition has been filed for quashing the undated notice issued by the respondent no. 3 i.e. the Circle Officer, Pakribarawan, District- Nawada, directing the petitioners to remove the encroachment from the land appertaining to Khata no. 183, Khesra no. 1281, area 150 & 320 Sq. ft., situated in village Marwa, Thana no. 74, PS- Pakaribarawan, however, the learned counsel for the respondent State has filed a counter affidavit, wherein it has been admitted that the proceedings of the encroachment case in question i.e. Encroachment case no. 12 of 2017-18 have not been conducted as per the provisions contained in the *Bihar Public Land Encroachment Act, 1956* and no order under *Section 6(1) of*



the Bihar Public Land Encroachment Act, 1956 has been passed, much less any opportunity of hearing has been granted to the petitioners, hence the said encroachment proceedings have stood vitiated in the eyes of law.

Having regard to the facts and circumstances of the case and considering the fact that the respondent- State has fairly admitted about the illegality of the aforesaid encroachment proceedings initiated vide Encroachment case no. 12 of 2017-18, the same is quashed, however, liberty is reserved to the Circle Officer, Pakribarawan, District- Nawada to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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