

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16322 of 2022

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1. Sunil Kumar Son of Late Jagdish Prasad, Resident of Village and P.O.- Bhubhi, P.S. Nagarnausa, District- Nalanda.
 2. Ranjan Kumar Son of Late Jagdish Prasad, Resident of Village and P.O.- Bhubhi, P.S.- Nagarnausa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, New Secretariat, Patna.
2. The District Magistrate, Nalanda.
3. The Additional Collector, Nalanda.
4. The Circle Officer, Nagarnausa, P.O. and P.S.- Nagarnausa, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-07-2023 The present writ petition has been filed seeking the following relief:-

“That, the present writ petition is for quashing the notice issued under authority of Circle Officer, Nagarnausa, Nalanda in Memo No.1167 dated 01.09.2022, initiating Encroachment Case No. 3/2021-22 regarding removal of encroachment referred in Notice by 15.09.2022 compliance of order failing which it will be removed by administration and expenditure for removal of encroachment will be realized/ recovered from them in absence of



proper consideration to facts, law and their own order for creating Jamabandi Mutation, fixation of rent and grant of rent receipt after due payment since petty long time.”

At the outset, the learned counsel for the respondent-State has produced a copy of the order dated 14.07.2022, passed by the Circle Officer, Nagarnausa, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.03 of 2021-22, whereby and whereunder the petitioners and others have been declared encroachers.

At this juncture, the learned counsel for the petitioners submits that the petitioners be granted liberty to challenge the aforesaid order dated 14.07.2022 by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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