

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16895 of 2022

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Satish Chandra Prasad Son of Late Yugal Kishor Singh, Resident of Village-
Bariyarpur, P.S. Bariyarpur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue Department, Govt. of Bihar, Patna.
2. D.M. Munger.
3. The District Magistrate-cum-second appellate authority (under public grievance redressal forum)
4. Addl Collector (Public grievance redressal), Dist Munger cum first appellate authority, Munger.
5. The Sub Divisional Officer, under Sub divisional public grievance redressal forum office, Munger.
6. The Circle Officer, Bariyarpur under District Munger.
7. Pradeep Kumar Son of Nawal Kishor Mandal, Resident of Village- Bariyarpur, P.S. Bariyarpur, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 09-02-2023 Heard Mr. Swapnil Kumar Singh, learned counsel

 appearing on behalf of the petitioner and Mr. Sajid Salim Khan,

 learned SC-25 for the State.

2. Learned counsel appearing on behalf of the
petitioner submitted that the notice dated 17.11.2022 contained
in Memo No. 2347 is without jurisdiction as no encroachment
proceeding has been initiated against the petitioner under the
provision of Bihar Public Land Encroachment Act, 1956



(hereinafter referred to as 'the Act').

3. Vide order dated 04.01.2023, the Circle Officer, Bariyarpur, Munger, was directed to be present in the Court along with the records of the mutation proceeding with respect to Khata No. 335, Khesra No. 246 measuring area of 3 decimal mutated in the name of the petitioner.

4. Mr. Sajid Salim Khan, learned SC-25 for the State admits that the notice dated 17.11.2022 contained in Memo No. 2347 does not refer at which stage the said notice has been issued to the petitioner under the provision of the Act.

5. Having heard the rival submission of the parties, averment made in the writ petition and the counter affidavit filed on behalf of the respondent nos. 2 to 6 it appears that notice dated 17.11.2022 contained in Memo No. 2347 issued by the Circle Officer, Bariyarpur, Munger, to be without jurisdiction in absence of any proceeding initiated under Bihar Public Land Encroachment Act, 1956 is hereby quashed.

6. Accordingly, the present writ petition is allowed.

(Purnendu Singh, J)

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