

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17075 of 2022

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Ajay Kumar S/o late Madhusudan Lal Das R/o Mohalla Vijaynagar,
Rukunpura, P.S. Rupaspur, District- Patna, at present Hyde Park, Sector 78,
Noida, Gautam Buddha Nagar, Uttar Pradesh, Pin- 201301

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Patna.
2. The Director, Revenue and Land Reforms Department, Patna.
3. The Collector, Patna.
4. The Deputy Collector, Land Reforms, Danapur.
5. The Circle Officer, Danapur, Patna.
6. The District Land Acquisition Officer, Patna.
7. The East Central Railway through Senior Divisional Engineer, Danapur.
8. The Senior Section Engineer (Works), Patliputra, East Central Railway, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9391 of 2021

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Chakradhar Prasad Singh Son of Late Ganga Prasad Singh Resident of Gali
No. 4A, Vijay Nagar, Police Station Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary.
2. Commissioner, Patna Commissionery, Patna.
3. District Magistrate, Patna, District Patna.
4. Anchal Adhikari, Danapur, District Patna.
5. Senior Section Engineer (Work) Patliputra Junction, Eastern Central Railway.
6. Divisional Railway Manager, Danapur Division.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 17075 of 2022)

For the Petitioner/s : Mr.Siddharth Harsh, Advocate

For the Respondent/s : Mr.Sajid Salim Khan (Standing Counsel- 25)

(In Civil Writ Jurisdiction Case No. 9391 of 2021)



For the Union of India : Mrs. Punam Kumari Singh, CGC
(In Civil Writ Jurisdiction Case No. 9391 of 2021)
For the Petitioner/s : Mr. Priyanka Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 27-06-2023

The issue raised by the learned counsel for the petitioners of the aforesaid two cases is that an illegal and arbitrary order has been passed by the Circle Officer, Danapur in connection with Encroachment Case No. 10 of 2017-18.

2. It is pointed out by the learned counsel for the respondent-State that an appeal was preferred against the final order passed by the Circle Officer, Danapur in connection with Encroachment Case No. 10 of 2017-18, bearing Appeal No. 11 of 2018-19, which has been allowed by an order dated 02.03.2022 passed by the Collector-cum-District Magistrate, Patna and the order dated 23.10.2018 passed by the Circle Officer, Danapur in the said Encroachment Case No. 10 of 2017-18, has been set aside and the matter has been remanded back to the Circle Officer, Danapur.



3. At this juncture, the learned counsel for the petitioners of the aforesaid two cases submit that both the aforesaid petitioners should be issued fresh notices in the aforesaid Encroachment Case No. 10 of 2017-18, whereafter their objections should be sought and only after hearing them the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 should be passed by the Circle Officer, Danapur.

4. As far as the first writ petition is concerned, the learned counsel for the petitioner of the said writ petition further prays that the Circle Officer, Danapur be directed to remeasure the land, afresh. It is directed accordingly.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petitions with a direction to the Circle Officer, Danapur to issue fresh notices to the aforesaid petitioners in connection with Encroachment Case No. 10 of 2017-18, seek their objection and then pass the final order under Section 6(1) of the Bihar Public



Land Encroachment Act, 1956, after granting them an opportunity of hearing.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.07.2023
Transmission Date	N/A

