

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17867 of 2022**

=====

Nand Kishore Tiwary @ Nand Kishor Tiwari Son of Late Ram Brij Tiwary @  
Ram Briksha Tiwary Resident of Village-Ashkaranpur, P.O.-Boaria, P.S.-  
Sarai, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate-Cum-Collector, Vaishali at Hajipur.
3. The Additional Collector, Vaishali at Hajipur.
4. The Sub-Divisional Officer, Hajipur, District-Vaishali.
5. The Circle Officer, Bhagwanpur, District-Vaishali.
6. Shushant Kumar Son of Rajendra Singh Resident of Village-Ashkaranpur, P.S.-Sarai, District-Vaishali.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate  
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      26-06-2023      The present writ petition has been filed seeking the following relief:-

*“ (i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the notice dated 24.04.2017 issued from the office of Circle Officer, Bhagwanpur whereby and whereunder the petitioner has been directed to remove encroachment from the land admeasuring 7 decimal appertaining to Thana No.171, Khata No.170, Khesara No.799 situated in Mauza-Ashkaranpur, P.S.-*



*Bhagwanpur, District- Vaishali at Hajipur within 24 hours failing which encroachment forcibly removed shall expenses be and incurred shall be realized from the petitioner.*

*(ii) To quash the order dated as contained in letter No.1878 dated 06.08.2022 issued from the office of Additional Collector, Vaishali at Hajipur whereby and whereunder Circle Officer, Bhagwanpur had been directed to take action in accordance with law with respect to land measuring 75 decimal situated in Mauza- Ashkaranpur, No.170, Khesra No.799 in view of order passed in CWJC No.1343 of 2020 passed by the Hon'ble Court.*

*(iii) To direct the respondent no.5 the Competent Authority under the Bihar Public Land Encroachment Act 1956 to drop the proceedings of encroachment proceeding if any taking into the consideration that land in question is not a public land under section 2 (d) of Bihar Pubic Land Encroachment Act 1956.”*

At the outset, the learned counsel for the petitioner submits, by referring to the earlier order of this Court dated 06.07.2022, passed in CWJC No.1343 of 2020 that though this Court had directed the Additional Collector, Vaishali at Hajipur to consider the entire aspect of the matter and take appropriate action, in accordance with law, including removal of



encroachment made over public land, situated at village- Askarannapur, Than No.171, Anchal- Bhaganwanpur, P.S. Sarali, District- Vaishali, bearing Khata No.170, Khesara No.799, area 075 decimal, however, the Additional Collector, Vaishali at Hajipur had thereafter referred the matter to the Circle Officer, Bhagwanpur, District-Vaishali and he is orally threatening the petitioner to remove encroachment in question, hence, it be directed that in case the respondent-authorities seek to remove encroachment made over the so-called public land, they may resort to appropriate proceedings, as per the provisions contained in Bihar Public Land Encroachment Act, 1956. It is directed, accordingly.

The writ petition stands disposed off.

**(Mohit Kumar Shah, J)**

kanchan/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

