

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1667 of 2023

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Bechani Devi wife of Mistu Rishi, resident of Village- Chapahari, P.O.-
Chapahari, P.S.- Rupouli, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Purnea.
2. The District Magistrate, Purnea.
3. The Divisional Commissioner, Purnea.
4. The Sub- Divisional Officer (S.D.O.), Dhamdaha, Purnia.
5. The Circle Officer, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanchay Srivastava, Advocate
	:	Mr. Sushant Srivastava, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (AAG12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-03-2023 The present writ petition has been filed for setting

aside the notice dated 10.12.2022, issued to the petitioner under

Section 6(2) of the Bihar Public Land Encroachment Act,
1956 (hereinafter two be referred to as “the Act, 1956”).

The learned counsel for the respondent- State has filed

a counter affidavit, which is taken on record.

Admittedly, no final order under ***Section 6(1) of the***
Act, 1956 has been passed, thus no notice could have been

issued under ***Section 6(2) of the Act, 1956***, hence, the aforesaid

notice dated 10.12.2022, being illegal, is set aside, however,

liberty is granted to the Circle Officer, Purnea to proceed



further, in accordance with law.

The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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