

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1446 of 2024

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Rajesh Kumar @ Rajesh Sharma Son of Late Parshuram Sharma @
Parshuram Singh, Resident of Village- Kamta, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate - cum - Collector, Nalanda at Bihar Sharif.
3. The Sub-Division Officer, Hilsa, District- Nalanda.
4. The Deputy Collector of Land Reforms, Hilsa, District- Nalanda.
5. The Circle Officer, Hilsa, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhola Kumar
For the Respondent/s : Mr.Standing Counsel 6

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-02-2024 Heard the learned counsel for the parties.

2. The petitioner is aggrieved by the final order dated 28.07.2023 passed by the Circle Officer, Hilsa, Nalanda by which the the Encroachment Case No. 02 of 2018-19 has been disposed of and the petitioner has been held to be an encroacher under the Bihar Public Land Encroachment Act, 1956.

3. It has been submitted by the learned counsel for the petitioner that a show cause was filed by the petitioner



pursuant to the order of this court passed in C.W.J.C. No. 17522 of 2018.

4. From reading of the impugned order, it will appear that show cause of the petitioner has not been considered.

5. Learned counsel for the State has submitted that the petitioner has an alternative remedy of appeal and he may be directed to file an appeal before the competent authority.

6. I have considered the submissions of the parties.

7. When the order passed by the Circle Officer, Hilsa, Nalanda has not considered the case of the petitioner, it is pointless to relegate the petitioner to appeal. The petitioner's show cause ought to have been considered by the Circle Officer, Hilsa, Nalanda.

8. In these circumstances, the impugned order cannot be sustained and the impugned order dated 28.07.2023 passed in Encroachment Case No. 02 of 2018-19 by the Circle Officer, Hilsa, Nalanda is hereby quashed.

9. The matter is remitted back to the Circle Officer, Hilsa, Nalanda with a direction that he will issue notice to the petitioner again and he will hear the petitioner and pass an order in accordance with law.



10. If the petitioner does not appear on service of notice then also a final order shall be passed after considering the materials available on record including the show cause of the petitioner.

11. With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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