

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1681 of 2024

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Santosh Kumar Son of Late Ram Lakhan Singh, Resident of village-
Balchand Bigha, P.O. and P.S.- Ben, District- Nalanda, Pin- 803114.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, the Department of Revenue, Govt. of Bihar, Patna.
3. The Collector at Biharsharif, Nalanda.
4. The Sub-Division Officer, Hilsa, Nalanda.
5. The Circle Officer, Ben, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Adv.
For the Respondent/s : Mr.Standing Counsel (8)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-11-2024 The present writ petition has been filed for quashing the
notice dated 29.12.2023, issued by the Circle Officer, Ben,
District-Nalanda, i.e. the Respondent No. 5.

2. The learned counsel for the petitioner submits that the
aforesaid notice dated 29.12.2023 has been issued by the
Respondent No. 5, without initiating any encroachment
proceedings, inasmuch as the same does not contain any
reference or number of the any encroachment proceeding,
hence, the procedure prescribed under the Bihar Public Land
Encroachment Act, 1956, has not been followed, thus the
aforesaid notice dated 29.12.2023 is liable to be quashed.

3. *Per contra*, though the learned counsel for the



Respondent-State has referred to the counter affidavit filed in the present case to submit that the jamabandi in question is existing in the name of one Rampati Devi and not in the name of the petitioner, however, it has not been denied that proceedings under the Bihar Public Land Encroachment Act, 1956, have not been initiated in a legal manner.

4. Having regard to the aforesaid facts and circumstances of the case, I deem it fit and proper to quash the notice dated 29.12.2023, issued by the Respondent No. 5, however, deem it fit & proper to grant liberty to the Respondent No. 5 to proceed afresh, in accordance with law, if so warranted.

5. The present writ petition stands allowed.

(Mohit Kumar Shah, J)

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