

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6512 of 2023

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Yusuf Khan Son of Late Nabisher Khan Resident of Village- Dhangawan,
P.O.- Dhangawan, P.S.- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-District Collector, Jehanabad.
3. The Sub-Divisional Officer, Jehanabad, District- Jehanabad.
4. The Circle Officer, Jehanabad, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Tiwary
For the Intervenor	:	Mr. Arun Kumar Tiwari
For the Respondent/s	:	Mr.Md. Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-01-2024 Heard the parties.

2. The petitioner is aggrieved by the order dated 05.04.2023 by which the Circle Officer, Jehanabad has held the petitioner to be illegal.

3. Learned counsel for the petitioner submits that the petitioner was given a notice of three days only for filing his show cause and in the impugned order by which he is held to be an encroacher, there is no finding on the *Hukumnama* produced by the petitioner.

4. Learned counsel appearing for the State has submitted that though the petitioner was given three days notice but, subsequently he was granted enough time to produce the



documents and the case was adjourned from 21.03.2023 to 05.04.2023 and therefore, the ground that no sufficient opportunity was given to the petitioner, cannot be sustained.

5. However, learned counsel for the State has not been able to defend the impugned order so far as it relates to the non-consideration of the *Hukumnama* produced by the petitioner.

6. In these circumstances, this writ application is allowed.

7. Accordingly, the order dated 05.04.2023 passed in Encroachment Case No. 33 of 2022-23 is hereby quashed and other subsequent orders and notices are also quashed.

8. The matter is remitted back to the Circle Officer, Jehanabad for fresh hearing after consideration of all the materials produced by the petitioner in accordance with law.

(Sandeep Kumar, J)

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