

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14182 of 2018

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Shivji Raut S/o Jiut Raut Resident of Village-Barkagaon, P.S. Pakridayal
District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, East Champaran, Motihari
3. The Sub Divisional Officer, Pakaridayal Motihari
4. The Circle Officer Pakaridayal Motihari.
5. The Officer in Charge Pakaridayal Police Station Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Advocate
For the Respondent/s : Mr.Subodh Kr. Mishra, AC to GP-14

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 4 05-10-2024 1. Though, the present writ petition has been filed for quashing the notice dated 29.05.2018, issued by the Circle Officer Pakaridayal, District-Motihari, directing the petitioner to vacate the land appertaining to Khata No.509, Khesra No.5940, situated at Village-Barkagao, Thana No.134 P.S. Pakridayal, District-East Champaran at Motihari, which the petitioner had purchased by virtue of a sale deed dated 29.06.2021, however, the learned counsel for the respondent-State submits that the said notice dated 29.05.2018, is not traceable in their records and in fact one encroachment proceeding, bearing Encroachment Case No.18 of 2018-19, has only been initiated and the same would definitely be taken to its logical conclusion,



only after granting due opportunity to the petitioner to present his defense, before the Circle Officer Pakaridayal, District-Motihari.

2. Having regard to the facts and circumstances of the case and considering the fact that the respondents themselves have denied to have issued any notice dated 29.05.2018, as aforesaid, I deem it fit and proper to declare the said notice dated 29.05.2018, issued by the Circle Officer Pakaridayal, District-Motihari to be null and void. Nonetheless, the Circle Officer Pakaridayal, District-Motihari shall proceed with the aforesaid Encroachment Case No.18 of 2018-19, by taking recourse to the due process of law and after granting due opportunity to the petitioner to put forth his defense, he shall conclude the same as per the provisions, contained in the Bihar Public Land Encroachment Act, 1956, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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