

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9936 of 2024

Chandan Kumar S/o Late Anandi Singh, Resident of Village - Imaliya, P.S. Pali Kako, Anchal - Kako, District - Jehanabad. At present C/O Arjun Singh, Near Gita Prasad High School Yogipur, B.S Plaza Apartment, Block - B, Flat No. 103, Kanakabagh, Patna - 800020.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Commissioner, Patna.
3. The Collector, Patna.
4. The Anchal Adhikari, Dhanarua Anchal, District - Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Amarendra Narayan, Adv.
For the Respondent/s	:	Mr. A.B. Sinha, GA-8
	:	Ms. Kalpana, AC to GA-8

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-09-2024 The present writ petition has been filed
seeking the following relief:-

“1.The petitioner had submitted show cause reply dt. 18.03.2024 in compliance of show cause notice dt. 23.2.24 (Annexure P/8), but without considering petitioner's show cause reply dt. 18.03.24 and without passing an order on it after affording opportunity of hearing to the petitioner and without communicating order on the show cause reply filed by the petitioner,



the notice dt. 10.05.24 in prapatra-II has been issued directing the petitioner to vacate encroachment, while threatening of coercive action of instituting case against him which is completely abuse of process of law."

2. At the outset, the learned senior counsel for the Respondent-State admits that the land in question is a Rayati land, hence the encroachment proceedings are not maintainable, thus, it has been directed to put an end to the pending Encroachment Case No. 5 of 2023-24.

3. In view of the aforesaid, the encroachment proceedings initiated vide Encroachment Case No. 5 of 2023-24, having been admittedly initiated illegally, by the Circle Officer, Dhanarua, District-Patna, is quashed, nonetheless, the District Magistrate, Patna is directed to take appropriate action against the persons responsible for illegally initiating the encroachment proceedings in question, within a period of four weeks' from today, failing which he shall not draw his salary.

4. The writ petition stands disposed off on



the aforesaid terms.

(Mohit Kumar Shah, J)

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