

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17529 of 2022

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Vijay Kumar Pandey @ Vijay Pandey Son of Late Mahendra Nath Pandey,
Resident of Diwan Parsa, P.S.- Fulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Additional Collector, Gopalganj.
4. The S.D.O. Gopalganj.
5. The Block Development Officer, Fulwariya Block, Fulwariya.
6. The Circle Officer, Fulwariya, Gopalganj.
7. The S.H.O. Phulwaria Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Respondent/s : Mr. Mukul Prasad, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 09-09-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs :

*“(i) For setting aside the notice dated 12.09.2022 issued
by the Circle Officer, Fulwariya whereby he has directed
the petitioner to produce his document Title and possession
upon a private land i.e. Khata No. 298, 15 Decimal,*



situated at Fularbaga @ Kusum Bathuaa 922, which was the land of Hathua Raj, who granted a Hukumnama on 29.12.1933 in favour of Late Bikramaditya Pandey, the grand father of the petitioner and since then the petitioner's family is coming in peaceful possession of the land.

(ii) For any other relief/reliefs for which the petitioner may be deemed entitled too."

3. Learned counsel for the petitioner submits that the land in question had been given by Hathua Raj to the grandfather of the petitioner in the year 1934 and the Circle Officer, Fulwariya, Gopalganj (Respondent No. 6) without issuing any notice under Section 3 of the Land Encroachment Act issued the notice against the petitioner (Annexure-5). Learned counsel for the petitioner further submits that the Circle Officer has no power to issue the notice as aforesaid.

4. Although, the learned counsel for the State has filed a counter affidavit but he has not stated anything with respect to the notice in question in the counter affidavit but learned counsel for the respondents fairly submits on instruction that the Circle Officer, Fulwariya, Gopalganj (Respondent No. 6) has no power to issue such notice.



5. In view of the aforesaid, Annexure-5 dated 12.09.2022 is hereby set aside.
6. The writ petition stands allowed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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