

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17248 of 2023

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Nihora Yadav @ Nihora Singh Son of Ramraj Singh, Resident of Village-
Dhira, P.O- Jagatpur, P.S.- Chandi District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Sub Divisional Officer, Hilsa, District- Nalanda.
4. The Circle Officer, Chandi, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Adv.
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-09-2024 The learned counsel for the Respondent-State seeks to

file a counter affidavit, copy whereof has already been filed

online. Let the same be kept on record.

2. The present writ petition has been filed seeking the

following reliefs:-

“1(i). For issuance of an appropriate writ for
setting aside the letter dated 20.09.2023, issued
by the Sub Divisional Officer, Hilsa, District-
Nalanda, on the basis of letter dated 16.09.2023,
whereby the Circle Officer, Chandi, Nalanda, has
fixed a date for removal of the encroachment and
a Magistrate has been appointed as also the
Dy.S.P., Hilsa has been directed to appoint
police officials for removal of the alleged



encroachment made over Plot No. 631 under Khata No. 79, situated at Mauza- Dihra, P.O- Jagatpur, P.S- Chandi, District Nalanda, in a proceeding under the Lok Shikayat Niwaran Adhiniyam 2015, without complying with the provisions / procedure contained in the Bihar Land Encroachment Act.

And/or

(ii). For directing to the authority not to disturb the petitioner from his peaceful possession of the land without following the procedure prescribed in the Bihar Land Encroachment Act, 1956.”

3. The learned counsel for the Respondent-State, by referring to the counter affidavit filed today, submits that the Circle Officer, Chandi, has already passed the final order dated 4/6.5.2023, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), in connection with Encroachment Case No. 20 of 2022-23, hence, in case the petitioner is aggrieved by the same, he can file appropriate appeal under Section 11 of the Act, 1956.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to challenge the aforesaid order dated 4/6.5.2023, passed by the Circle Officer, Chandi, in connection with Encroachment Case No. 20 of 2022-23, by



filing appropriate appeal under Section 11 of the Act, 1956, if so
advised.

(Mohit Kumar Shah, J)

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