

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17395 of 2024

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Pashupati Kumar Son of Late Ram Das Sah, resident of mohalla Kazi Bazar
Hilsa, P.S. Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue & Land Reforms, Old Secretariat, Patna.
2. Chief Secretary, Government of Bihar, Old Secretariat, Patna- 1.
3. Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna- 1.
4. Collector, Nalanda at Biharsharif.
5. Circle Officer, Hilsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Madhuri Kumari, Advocate
For the Respondent/s : Government Pleader (07)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 20-11-2024 The limited prayer, made by the petitioner in the present writ petition, is to direct the respondents to remove the encroachment, situated over the public land, appertaining to Khata No.317, Plot No.2932, admeasuring 1.19 acre, situated at Hilsa Bazaar, District-Nalanda at Biharsharif, inasmuch as despite passing of the final order, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, by the Circle



Officer, Hilsa on 28.11.2023, in connection with Encroachment Case No.12 of 2023-24, holding that the land in question has been encroached by such encroachers, in whose favour neither any *Jamabandi* is in existence nor any documents of ownership have been produced by them, the encroachment in question has not been removed till date, hence it is prayed that the District Magistrate, Nalanda at Biharsharif be directed to do the needful in this regard.

2. *Per contra*, the learned counsel for the respondent-State submits that in case there is no other legal impediment, the aforesaid order dated 28.11.2023, passed by the Circle Officer, Hilsa, in connection with Encroachment Case No.12 of 2023-24, shall definitely be enforced, in its true letter and spirit.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Nalanda at Biharsharif to ensure that the aforesaid order dated 28.11.2023, passed by the District Magistrate, Hilsa is enforced in its true letter and spirit and the encroachment in question is removed by taking recourse to the due process of law, forthwith, if there is no other legal impediment as also in case the said order dated 28.11.2023 has not been annulled by any higher forum/ court of law.



4. The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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