

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9848 of 2017

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Damodar Yadav son of Late Raghu Yadav, resident of Village- Gamharia,
P.S.- Gamharia, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Madhepura.
3. The Additional Collector, Madhepura.
4. The Sub-Divisional Officer, Madhepura.
5. The Land Reforms Deputy Collector, Madhepura.
6. The Circle Officer, Gamharia, Madhepura.
7. Sachendra Prasad Bhagat, son of Lalmohar Bhagat, resident of Village-
Gamharia, P.S.- Gamharia, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2025 Heard the parties.

2. The present application has been preferred for the
grant of following relief:

*1) For quashing the notice contained in latter
No. 416-2 dated 21.06.2017 passed by the Circle
officer respondent No.6 so far the petitioner is
concerned as by which without giving
opportunity of hearing, the petitioner has been
directed to remove encroachment of concrete
house from 4.366 decimal land of Govt. Pokhar
of khata No. 842 khesara No. 714 within 24
hours in the light of order given by the District
Magistrate, Madhepura (respondent No.2) in*



course of hearing of the complaint vide Ananya No. 511210119101600491/2A filed by one Sachendra Prasad Bhagat over encroachment matter.

II) For further to hold and adjudicate that two parallel proceedings vide Encroachment case No. 1 of 2017 under Bihar Public Land Encroachment Act-1956 and complaint under Right to Public Grievance Redressal Act-2015 for the same cause cannot be initiated simultaneously and as such the order dated 21.06.2017 passed by the District Magistrate in complaint vide Ananya No. 511210119101600491/2A and that too without impleading the petitioner as party to the said proceeding however passing the aforesaid order dated 21.06.2017 and consequent impugned notice behind his back for removing encroachment is quite illegal, without jurisdiction and violative of principle of natural justice and as such nullity in the eye of law.

III) For further direction restraining the



respondent authorities to act upon the impugned notice in pursuance of direction passed by the District Magistrate in Ananya No. 511210119101600491/2A for removing encroachment as regarding which the petitioner has already filed show cause in Encroachment case No. 1/17 stating that he has right title over the said land by virtue of Judgment and decree passed by the Civil Court of competent jurisdiction in T.S. No. 30 of 1999.

IV) For any other relief/reliefs for which the petitioner is entitled to in the facts and circumstances of the case.

3. After some arguments, learned counsel for the petitioner submits that he shall be agitating his grievance before appropriate forum.

4. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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