

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1995 of 2022

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1. Nageshwar Rajak @ Nageshwar Prasad Son of Late Narayan Rajak Resident of Village - Mahadatpur, P.S. - Naugachia, District- Bhagalpur.
 2. Ramswaroop Rajak @ Ramswaroop Prasad Son of Late Narayan Rajak Resident of Village - Mahadatpur, P.S. - Naugachia, District- Bhagalpur.

... .. Petitioners

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land and Land Reforms, government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Sub Divisional Magistrate, Naugachia, District- Bhagalpur.
4. The Circle Officer, Naugachia, District- Bhagalpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

9 08-08-2025 Heard learned counsel for the petitioners and
learned counsel for the respondent-State.

2. In compliance of the previous order dated 25.07.2025, learned counsel for the respondent-State has brought the entire original file relating to the land encroachment no. 2 of 2020-21. From perusal of the entire case file, it is apparent that no final order was passed under Section 6(1) of the Bihar Public Land Encroachment Act declaring the petitioners to be the encroachers. It is further made clear that without passing any final order under Section



6(1) of the Bihar Public Land Encroachment Act, a notice contained in Memo No. 2239, dated 27.11.2021 (Annexure-5) issued by the Circle Officer, Naugachia in exercise of power under Section 6(2) of the said Act was issued to the petitioners directing to remove the encroachment by 03.12.2021, failing which it was ordered that encroachment shall be removed and the cost of which will be realised from the petitioners.

3. The petitioners being aggrieved by the aforesaid notice contained in Memo No. 2239, dated 27.11.2021 (Annexure-5) issued by the Circle Officer, Naugachia under Section 6(2) of the Bihar Public Land Encroachment Act have filed the present writ application.

4. For the reasons as stated above, the notice issued *vide* Memo No. 2239, dated 27.11.2021 (Annexure-5) issued by the Circle Officer, Naugachia under Section 6(2) of the Bihar Public Land Encroachment Act is hereby quashed and set aside, because it not preceded by any order passed under Section 6(1) of the Bihar Public Land Encroachment Act in Land Encroachment Case No. 2 of 2020-21.

5. Accordingly, the present writ application stands allowed.



6. Pending interlocutory applications, if any, are
deemed to be disposed of.

(Alok Kumar Sinha, J)

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