

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14547 of 2018

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Raj Nandan Ram Son of Late Rameshwar Ram, Resident of Village- Rohua,
P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
3. The Collector, Sitamarhi.
4. The Sub Divisional Public Grievance Redressal Officer, Sitamarhi.
5. The Circle Officer, Sonbarsa, Dist- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh
For the Respondent/s : Mr.Sajid Salim Khan -Sc25

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 07-01-2025

In the instant petition, petitioner has prayed for

the following relief:-

*a) For grant of an

appropriate writ for quashing the notice

of the circle Officer, Sonbarsa issued

under Letter No. 170 dated 24/3/2017

(Annexure-1) directing the petitioner to

vacate the Ambedkar Samudayik Bhavan

within two days in the light of the order of

the Sub Divisional Public Grievance

Redressal Officer, Sitamarhi failing which*



the same would be vacated forcibly with the help of police force.

b) For grant of an appropriate writ for a direction to the respondents not to interfere with the possession of the petitioner over Khesra No. 998 under Khata No. 85 situated in village Rohua, PS-Sonbarsa, Dist-Sitamarhi over which there stand the houses of the sons/grandsons of the petitioner and the Harizan Baithaka (Ambedkar Baithaka)

2. Learned counsel for the petitioner submits that the land in question mentioned in para 4 of the writ petition as Khesra No. 998 measuring 0.03 acre under Khata No. 85 situated in village Rohua, P.S-Sonbarsa, Dist.- Sitamarhi is the land of the petitioner and Circle Officer has issued the notice for vacating the land in question without initiating proper procedure under Bihar Public Land Encroachment Act and has abruptly passed the order to vacate the land in question. The order passed by the Circle Officer is against the spirit of law as the land in question does not belong to



the State. *Jalwa Devi* and *Inner Devi* transferred 0.003 acre of Khesra No. 998 under Khata No. 85 to Rameshwahr Ram, the father of the petitioner through registered sale deed and petitioner became bonafide owner of the said land in question. Learned counsel submits that the petitioner has made gift of 0.01 acre of Khesra No. 998 under Khata No. 85 to Bihar Sarkar Ambedkar Baithaka, Rohua through registered deed of gift.

3. Learned counsel on behalf of the State admitted that though proper procedure has not been initiated against the petitioner with regard to Bihar Public Land Encroachment Act but petitioner has already transferred the land measuring 0.01 Acre of Khesra No. 998 under Khata No. 85 to Bihar Sarkar Ambedkar Baithaka.

4. The limited grievance of the petitioner is that the land Encroachment proceeding has not been initiated before issuing notice of vacation against the petitioner.

5. In the light of aforesaid facts and circumstances of the case, the notice issued by Circle Officer through Letter No. 170 dated 24.03.2017 which is annexed as annexure-1 lacks the spirit of law. Accordingly, the said notice stands



set aside and the concerned authority is hereby directed to pass appropriate order expeditiously in the light of the spirit of Bihar Public Land Encroachment Act, 1956.

6. With the above observation/direction, the present writ petition stands disposed of.

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.01.2025
Transmission Date	NA

