

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5841 of 2016

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Lucky Kumar Minor wife of Late Lal Babu Prasad Gupta, resident of
Mohalla- Ram Nagar, P.O. and P.S.- Ram Nagar, District- West Champaran at
Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Water Resources Development Department, Patna.
3. The Executive Engineer, Triveni Canal, Ram Nagar, P.O. and P.S. Ram
Nagar, District- West Champaran
4. The Sub-Divisional Officer, Triveni Canal, Ram Nagar, P.O. and P.S. Ram
Nagar, District- West Champ

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6401 of 2016

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Madan Prasad Gupta son of Mohan Prasad resident of Mohalla - Ram Nagar,
P.O. and P.S. - Ram Nagar, District - West Champaran at Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Water Resources Development Department, Patna.
3. The Executive Engineer, Triveni Canal, Ram Nagar, P.O. and P.S. Ram
Nagar, District West Champaran
4. The Sub-Divisional Officer, Triveni Canal, Ram Nagar, P.O. and P.S. Ram
Nagar, District West Champa

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6422 of 2016

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Golu Kumar Son of Late Nagendra Prasad resident of Mohalla - Ram Nagar,
P.O. and P.S. Ram Nagar, District - West Champaran at Bettiah

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Water Resources Development Department, Patna
3. The Executive Engineer, Triveni Canal, Ram Nagar, P.O. and P.S. Ram
Nagar, District West Champaran



4. The Sub - Divisional officer, Triveni Canal, Ram Nagar, P.O. and P.S. Ram Nagar, District West Cham

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6426 of 2016

Subhash Kumar Son of Late Om Prakash Gupta resident of Mohalla - Ram Nagar, P.O. and P.S. Ram Nagar, District - West Champaran at Bettiah

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Water Resources Development Department, Patna
3. The Executive Engineer, Triveni Canal, Ram Nagar, P.O. and P.S. Ram Nagar, District West Champaran
4. The Sub - Divisional officer, Triveni Canal, Ram Nagar, P.O. and P.S. Ram Nagar, District West Cham

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6488 of 2016

Parsuram Prasad Gupta son of Mohan Prasad Gupta, resident of Mohalla- Ram Nagar, P.O. and P.S.- Ram Nagar, District- West Champaran at Bettiah

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Water Resources Development Department, Patna
3. The Executive Engineer, Triveni Canal, Ram Nagar, P.O. and P.S.- Ram Nagar, District- West Champara
4. The Sub-Divisional Officer, Triveni Canal, Ram Nagar, P.O. and P.S.- Ram Nagar, District- West Cham

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6604 of 2016

- 1.1. Sheela Devi W/o Late Bharat Prasad Gupta R/o Mohalla - Ram Nagar, P.O. and P.S. - Ram Nagar, Distt. - West Champaran at Bettiah
- 1.2. Subham Kumar (Minor) Son of Late Bharat Prasad Gupta, Represented through his mother namely Sheela Devi, R/o Mohalla - Ram Nagar, P.O. and P.S. - Ram Nagar, Distt. - West Champaran at Bettiah
- 1.3. Saloni Kumari (Minor) D/o Late Bharat Prasad Gupta, Represented through



her mother namely Sheela Devi, R/o Mohalla - Ram Nagar, P.O. and P.S. -
Ram Nagar, Distt. - West Champaran at Bettiah

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Water Resources Development Department, Patna.
3. The Executive Engineer, Triveni Canal, Ram Nagar, P.O. and P.S. Ram Nagar, District West Champaran
4. The Sub-Divisional Officer, Triveni Canal, Ram Nagar, P.O. and P.S. Ram Nagar, District West Champa

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5841 of 2016)

For the Petitioner/s : Mr. Shashi Shekhar Dvivedi, Sr. Advocate
: Mr. Ashutosh Kumar Pandey
: Mr. Parth Gaurav
: Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr. Kameshwar Kumar, GP-17

(In Civil Writ Jurisdiction Case No. 6401 of 2016)

For the Petitioner/s : Mr. Shashi Shekhar Dvivedi, Sr. Advocate
: Mr. Ashutosh Kumar Pandey
: Mr. Parth Gaurav
: Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr. Sitaram Yadav, GP-17

(In Civil Writ Jurisdiction Case No. 6422 of 2016)

For the Petitioner/s : Mr. Shashi Shekhar Dvivedi, Sr. Advocate
: Mr. Ashutosh Kumar Pandey
: Mr. Parth Gaurav
: Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr. Raj Kishore, GP-18

(In Civil Writ Jurisdiction Case No. 6426 of 2016)

For the Petitioner/s : Mr. Shashi Shekhar Dvivedi, Sr. Advocate
: Mr. Ashutosh Kumar Pandey
: Mr. Parth Gaurav
: Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr. Raj Kishore, GP-18

(In Civil Writ Jurisdiction Case No. 6488 of 2016)

For the Petitioner/s : Mr. Shashi Shekhar Dvivedi, Sr. Advocate
: Mr. Ashutosh Kumar Pandey
: Mr. Parth Gaurav
: Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr. K.P. Yadav, GP-11

: Mr. Santosh Chandra Bhaskar, AC to GP-11

(In Civil Writ Jurisdiction Case No. 6604 of 2016)

For the Petitioner/s : Mr. Shashi Shekhar Dvivedi, Sr. Advocate
: Mr. Ashutosh Kumar Pandey
: Mr. Parth Gaurav
: Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr. Gp20- Nadeem Seraj



CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

6 30-07-2025 Heard learned Senior counsel for the petitioners
and learned counsels for the Respondent-State.

2. The petitioners have challenged the notice dated 15.02.2016 (Annexure-1) issued by the respondent no. 4, namely, the Sub-Divisional Officer, Triveni Canal, Ram Nagar, directing the petitioners to remove their alleged encroachment and their *pucca* house from the disputed land, failing which the petitioners have been warned that the same would be vacated forcibly.

3. Learned Senior Counsel for the petitioners submits that the notice under challenge in this writ application is cryptic and vague to the extent that it does not even disclose as to under which law this notice has been issued to the petitioners. The source of the power for issuance of this kind of vague and cryptic notice has not been disclosed in the notice. The petitioners have challenged this action on other grounds as well.

4. Learned counsel appearing for the State is unable to show the source of the power under which the impugned notice has been issued. He contends that may be this notice



has been issued under Bihar Public Land Encroachment Act. Clearly, the counsel appearing for respondent-State is unable to defend the impugned notice.

5. From a bare perusal of the notice dated 15.02.2016 (Annexure-1) which is under challenge in this writ application, it is apparent that there is no reference to any Section or Act in the notice nor any Encroachment Case Number has been mentioned. It is a completely vague and a cryptic notice which does not even disclose the source of the power based on which such a notice has been issued. Even if it is presumed to be a notice under Section 3 of the Bihar Public Land Encroachment Act, the same should have been followed by a Land Encroachment Case/Proceeding in which the petitioners should have been granted full opportunity of participation and thereafter an order ought to have been passed under Section 6(1) of the said Act leading to issuance of notice under Section 6(2) but none of that has been done in the present case.

6. For the reasons as stated above, the impugned notice dated 15.02.2016 (Annexure-1) is hereby quashed and set aside.

7. The writ application stands allowed with liberty



to Respondent-State to proceed afresh in accordance with law.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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