

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16704 of 2022

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Ravindra Jha son of Dani Jha, Resident of Village-Rasalpur, Police Station-Dumra, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Secretary, Revenue Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi, District-Sitamarhi.
3. The Sub-Divisional Magistrate, Sadar Sitamarhi, District-Sitamarhi.
4. The District Collector Land Reforms, District-Sitamarhi.
5. The Circle Officer, Anchal-Dumra, District-Sitamarhi.
6. Amarnath Thakur, son of Kashi Thakur, resident of Village-Rasalpur, Police Station-Dumra, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the State	:	Md. Khurshid Alam, AAG-12
For the private res. no.6	:	Mr. Vivek Anand Amritesh, Advocate
	:	Mr. Sudhanshu Trivedi, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2025 Heard Mr. Uday Kumar, learned counsel for the petitioner, Md. Khurshid Alam, learned AAG-12 for the State as well as Mr. Vivek Anand Amritesh, learned counsel appearing on behalf of the private respondent no.6.

2. The present writ petition has been filed for the following reliefs;

i) To set aside the notice dated 30.10.2022 arising out of Encroachment Case No. 01/2020-21 issued by Circle Officer, Anchal-Dumra by which he has ordered to remove encroachment over Plot No. 3412, Khata No.



1090, Thana No. 345, Mauza-Rasalpur from 143.75 Square Feet without hearing the petitioner.

(ii) To direct the official respondents particularly respondent No. 5 not to take any action about dismantling of Pucca constructed construction till the hearing of petitioner and till the scientific measurement of disputed plot.

(iii) For any other relief or reliefs for which the petitioner is found entitled by this Hon'ble High Court may be granted to him.

3. Learned counsel for the petitioner submits that earlier the respondent no.6, namely, Amarnath Thakur has filed a writ petition bearing C.W.J.C. No. 13805 of 2021 which was disposed of vide order dated 30.09.2022 (Annexure-2) in which the Hon'ble Court has directed to the petitioner to approach the Circle Officer, Dumara, District- Sitamarhi, by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks from today and same shall be considered, in accordance with law and after hearing the affected parties, appropriate orders shall be passed thereon, forthwith.

4. Learned counsel for the petitioner submits that pursuant to the order of this Court, the respondent no.5 (The



Circle Officer, Anchal-Dumra, District-Sitamarhi) has passed the order date 30.10.2022 (Annexure-1). From a bare perusal of the Annexure-1 it appears that respondent no. 5 without issuing any notice and without initiating the proceeding has directed the petitioner to remove the encroachment over the land in question by 25.10.2022. learned counsel for the petitioner submits that without issuing any notice and without giving any chance to the petitioner to file a reply to the show cause, the impugned order has been passed by the authority concerned.

5. Learned counsel for the private respondents who are petitioners of the writ petition bearing no. 13805 of 2021 also appeared suo motu.

6. Considering the aforesaid facts, the order dated 30.10.2022 (Annexure-1) is set aside and the matter is remanded back to the respondent no.5 (The Circle Officer, Anchal-Dumra, District-Sitamarhi) to consider afresh after issuing the notice to the petitioner and all the concerned and to pass the necessary and speaking order in accordance with law.

7. Accordingly, the writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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