

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4588 of 2015

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Pradip Kumar, son of Late Ayodhya Halwai, Resident of Mohalla - Mahuatal, Barbigha, P.S.- Barbigha, District - Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Sheikhpura.
2. The Executive Officer, Nagar Panchayat, Barbigha, P.S.- Barbigha, District - Sheikhpura.
3. The Chairman, Nagar Panchayat Barbigha, P.S.- Barbigha, District - Sheikhpura.
4. The Vice Chairman, Nagar Panchayat Barbigha, P.S.- Barbigha, District - Sheikhpura.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Respondent/s : Mr. Jitendra Acharya, AC to GP-11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 27-11-2015 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the notice dated 31.12.2014 as contained in Annexure-2 by which the Executive Officer, Nagar Panchayat, Barbigha has directed him to remove the encroachment from the government land.

It is contended on behalf of the petitioner that in the notice neither any case number has been given nor has any plot number been disclosed. It is further stated that prior to that, no show-cause notice was issued ever upon the petitioner directing him to explain as to why he should not be declared encroacher on public land and straightway he is being directed to remove encroachment otherwise the same had been threatened to be removed by taking

coercive measure.

In above view of the matter, this writ application is being disposed of, without going into the merit of the case, with a direction to the petitioner to appear before the Executive Officer, Nagar Panchayat, Barbigaha along with a copy of this order, who shall treat the impugned notice as a show cause notice upon the petitioner by further providing him the case number and the plot concerned upon which the petitioner has allegedly made some encroachment. The petitioner would be granted reasonable opportunity to file his reply setting forth his stand in the matter and, thereafter, a reasoned order should be passed by the Executive Officer, Nagar Panchayat, Barbigaha in accordance with law.

However, till a final decision is taken in the aforesaid manner, no coercive action should be taken by the authority concerned for the purpose of getting the alleged encroachment by the petitioner vacated., if the petitioner approaches the concerned authority within a period of thirty days from today and also, if such liberty has already not been given to the petitioner and a final order has already not been passed by the authority concerned.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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