

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3597 of 1998

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1. Chandra Prakash Arya, son of late Badri Prasad Arya.
2. Udham Prasad , son of late Munnilal Prasad Agrawal
3. Madan Prasad Keshri, son of Shiv Govind Prasad
4. Rajesh Kumar, son of Late Dwarika Nath Srivastava
All are residents of Bhabua, at and plice Station Bhabua, District-Kaimur
.... Petitioners

Versus

1. The State of Bihar
2. The collector, Bhabua, Kaimur
3. The Sub-divisional Officer, Bhabua, Kaimur
.... Respondents

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Appearance :

For the Petitioner/s : Mr. S.D.Sanjay
Mr. Alok Kumar Agrawal

For the Respondent/s : Mr. Ashutosh Singh, A.C. to S.C.-1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 16-02-2015 No one appears on behalf of the petitioners.

Learned counsel for the State is present.

The petitioners have challenged the action by the respondents therein that without giving any notice, their respective houses have been marked for demolition. A claim in the writ application has been made that the people of the locality making construction of their respective houses have been staying there in between 50 to 100 years. The respondent authorities illegally marked certain portion as an encroachment and initiated a drive for removing the same. The claim has been made that no proceeding was initiated. No notice was ever given but abruptly started a drive for removing encroachment from the public land.



In the counter affidavit, it has been stated after proper measurement it was found that the people of the locality have encroached upon the Government/public land. Accordingly, the portions were marked, thereafter the announcement was made through loudspeaker for removing encroachment of their own in failure the respondents authority will demolish the encroached portion marked by the respondents concerned.

As it is a matter of 1998, this Court has already passed a stay order.

In such view of the matter, let the Collector, Bhabua, Kaimur is directed to initiate a fresh proceeding for removal of encroachment from the public/Government land after giving proper notice of hearing if it is found that the petitioner and others have illegally made encroachment upon the public land/Government land, they should be removed without unnecessary delay.

With these observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J.)

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