

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14251 of 2015

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Mostt. Hasina Khatoon, wife of Md. Islam, Daughter of Habib Mian,
resident of Mohalla- Alam Tola, Ward No. 22, Police Station- Forbesganj
and District Araria

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Araria
3. The Sub-Divisional Officer, Forbesganj, Araria
4. The Forbesganj Municipal Corporation within the District of Araria
5. The Executive Officer, Forbesganj Municipal Corporation within the District of Araria
6. The Executive Engineer, Road Construction Department, District Araria

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Advocate

For the Respondent/s : Mr. Shyameshwar Kumar Singh, AC to GP-12

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 17-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the notice dated 13.08.2015 issued by the Executive Officer, Forbesganj Municipal Corporation (respondent no.5) by which she has been directed to vacate the land concerned to the extent disclosed in the aforesaid notice which is required for construction of the road, otherwise, the same would be forcibly removed.

It is contended that on earlier occasion also, a notice was issued vide Annexure-1 dated 28.04.2015 for removal of encroachment and, in response thereof, the petitioner appeared before the authority concerned along with necessary paper by

filing Annexure-2, however, nothing was done. Thereafter, without considering her reply, another notice has been issued (Annexure-3).

In above view of the matter, this writ application is being dispose of, without going into the merit of the case, with the following observations and directions:

- (i) The impugned notice dated 13.08.2015 (Annexure-3) would be considered a show cause notice issued upon the petitioner. She will file a reply thereof within a period of eight weeks from today. Thereafter, the competent authority would be required to take a decision upon the reply filed by the petitioner by passing a reasoned and speaking order.
- (ii) Till such order is passed, let no coercive action for removal of the encroachment be taken.
- (iii) Let a copy of this order be communicated to the Executive Officer concerned through the District Magistrate, Araria.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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