

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20360 of 2014
With
I.A. No.9040 of 2014

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Gauri Shankar Mishra, son of Late Maheshwar Mishra, resident of village- Dekuli,
P.S. Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Darbhanga.
3. The Superintendent of Police, Darbhanga..
4. The Anchaladhikari, Bahadurpur, Town and District Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Choudhary
Mr. Vijay Kumar
Mr. Mohit Srivastava

For the Respondent/s : Mr. Gyan Prakash Ojha, GP-22 with
Mr. Praveen Kumar, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 10-02-2015 Mr. Murari Narain Choudhary, learned counsel for

the petitioner and Mr. Gyan Prakash Ojha, learned Government

Pleader No.22 are in attendance and have been heard.

The petitioner has questioned the notice bearing
Memo No.167 dated 14.2.2012 issued by the Circle Officer,
Bahadurpur in the district of Darbhanga in purported exercise of
powers vested under the provisions of the Bihar Public Land
Encroachment Act, 1956, whereby the petitioner has been
directed to remove the alleged encroachment standing on plot
nos.599 and 145 admeasuring 5 kathas 15 dhurs and 1 katha 10
dhurs respectively situated in Mauza- Dekuli Mirzapur in the
district of Darbhanga in Encroachment Case No.3 of 2010-11.
The petitioner has also challenged the notice bearing Memo
no.912 dated 1.12.2014 by filing interlocutory application

bearing I.A. No.9040 of 2014.

A counter affidavit has been filed and perusal of paragraphs 10 to 14 thereof it is manifest that the respondent authorities appreciating that the *Jamabandi* for the plots in question is running in the name of the petitioner have decided to keep the encroachment proceeding in abeyance until a decision on the aspect.

Mr. Ojha, learned counsel appearing for the State with reference to the order dated 17.12.2014 placed at Annexure-D to the counter affidavit submits that the petitioner at the present stage has no cause of grievance.

Having heard learned counsel for the parties and taking note of the stand taken by the respondents in the counter affidavit in the opinion of this Court in the circumstances discussed in the counter affidavit, there would be no reason to allow the notices to subsist and as a consequence the impugned notice issued by the Circle Officer bearing Memo no.167 dated 14.2.2012 and the notice bearing Memo 912 dated 1.12.2014, copies whereof are placed at Annexures 5 and 7 respectively to the writ petition are quashed and set aside.

The writ petition is allowed. The interlocutory application stands disposed of.

SKPathak/-

(Jyoti Saran, J)

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