

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7391 of 2016

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1. Shiv Saran Yadav Son of Boolak Yadav,
 2. Chandra Yadav, Son of Boolak Yadav,
 3. Sitaram Yadav, Son of Boolak Yadav, null
 4. Brij Mohan Yadav, Son of Boolak Yadav,
 5. Vasudev Yadav, Son of Boolak Yadav,
 6. Raja Yadav, Son of Boolak Yadav, null
 7. Birju Yadav, Son of Shyamlal Yadav,
 8. Ram Parwesh Yadav, Son of Shyam Lal Yadav,
 9. Ram Parwesh Mistri @ Ram Pawesh Sharma, Son of Late Triloki Mistri,
 10. Chandrika Yadav, Son of Shyamlal Yadav,
 11. Sanjay Yadav, Son of Moti Yadav,
 12. Shiv Shankar Prasad @ Shankar Yadav, Son of Muni Yadav,
 13. Babloo Kumar @ Babloo Yadav, Son of Surendra Yadav,
 14. Ajay Kumar @ Ajay Yadav, Son of Hira Yadav,
 15. Ram Vijay Yadav @ Vijay Yadav, Son of Jhamlal Yadav,
 16. Jhamlal Yadav, Son of Jageshwar Yadav,
 17. Hira Yadav, Son of Jageshwar Yadav,
 18. Gurudev Yadav, Son of Ramdas Yadav,
 19. Madheshwar Sharma, Son of Tirloki Sharma,
 20. Ram Chander Sharma, Son of Tirloki Sharma,
 21. Kamta Prasad @ Kamta Yadav, Son of Rambalak Yadav,
 22. Indradeo Yadav, Son of Late Mahangu Yadav,
 23. Deo Sharan Yadav, Son of Late Somar Yadav,
 24. Tapeswar Yadav, Son of Late Akloo Yadav,
 25. Raj Kumar Yadav, Son of Late Chauthi Yadav,
 26. Chintavan Yadav, Son of Late Budhan Yadav,
 27. Vinay Yadav, Son of Late Chauthi Yadav,
 28. Santosh Yadav, Son of Late Tulsi Yadav,
 29. Ram Swaroop Yadav, Son of Late Guru Sahya Yadav,
 30. Mahendra Yadav, Son of Deo Sharan Yadav,
 31. Anil Yadav, Son of Ram Roop Yadav,
 32. Suraj Yadav, Son of Muni Yadav,
 33. Ram Vilash Yadav, Son of Late Boodhan Yadav,
 34. Dinesh Yadav, Son of Shyamlal Yadav,
 35. Arun Kumar Yadav, Son of Ram Lakhnan Yadav,
 36. Doman Yadav, Son of Bhooan Yadav,
 37. Naresh Yadav, Son of Ramavtar Yadav,
 38. Udai Yadav, Son of Late Bhuvan Yadav,
 39. Rameshwar Yadav, Son of Late Mangar Yadav,
 40. Sitaram Yadav, Son of Late Rajnandan Yadav,
 41. Ram Parvesh Yadav, Son of Late Rajnandan Yadav,
 42. Ram Chandra Yadav Son of Late Moti Yadav,
 43. Prasidhi Yadav, Son of Late Raj Nandan Yadav,
 44. Ramchalitar Yadav, Son of Late Ramdas Yadav, All residents of village - Balma, Karahra, P.S. - Tekari, District - Gaya.

.... Petitioners

Versus



1. The State of Bihar through the Principal Secretary Land and Revenue Department, State of Bihar at Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Registrar, Bihar Central University, Tekari, Gaya.
5. The Superintendent of Police, Gaya.
6. The Block Development Officer, Tekari, Gaya.
7. The Circle Officer, Tekari, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. S.M. Shabbir Alam, Advocate
For the Respondent/s : Mr. ARVIND UJJWAL- SC4
Mr. Upendra Pd. Singh, AC to SC-4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-12-2016

Heard parties.

Perused the original records of Encroachment Case No.4/2015-16. It appears that a reply to the show cause notice was filed on behalf of the petitioners but no evidence in support of their claim was filed. The petitioners themselves are to be blamed for the impugned action as even after appearing through their counsel, they did not care to appear on the fixed dates and participate in the proceeding. Therefore, this Court sees no violation of the principles of natural justice. However, this is also a fact that none of the orders contained in the entire order sheet has considered the reply of the petitioners. It is not stated anywhere as to why the grounds raised by the petitioners were not found tenable.

In such circumstances, this Court grants the petitioners



further time to appear before the Circle Officer, Tekari and produce their documents. If they desire, they can file fresh reply also along with relevant documents which should be considered and order should be passed by the Circle Officer after granting opportunity of hearing to the petitioners. The petitioners would appear along with their documents and fresh reply, if any, and a copy of this order on 19.01.2017. The Circle Officer would fix a date of hearing which should be within two weeks and on that day, the petitioners either themselves or through their counsel should appear and participate in hearing. Thereafter, a final order would require to be passed by the Circle Officer within a further period of two weeks considering the grounds raised by the petitioners.

If the petitioners do not appear alongwith a copy of this order on 19.01.2017 or they fail to appear on the date fixed then the Circle Officer would be at liberty to proceed with the process of removal of encroachment even in their absence.

It is made clear that if the petitioners appear on 19.01.2017 and file their reply or relevant documents then the interim relief granted by this Court vide order dated 29.11.2016 would continue till a final order is passed by the Circle Officer. However, if the petitioners do not appear on 19.01.2017 or thereafter, they do not appear on the date fixed then such interim order would automatically



stand vacated.

This writ application stands disposed of with the aforesaid observations, findings and directions.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	30.12.2016
Transmission Date	N.A.

