

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1359 of 2016

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Pashupati Thakur

.... Petitioner

Versus

The State of Bihar & Ors.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Shashi Nath Jha, Advocate

For the Respondent/s : Mr. Anil Kumar, AC to SC10

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 03-02-2016

Heard learned counsel for the petitioner and the

State.

It is contended on behalf of the petitioner that without any notice under Section 3, suddenly he has received a notice as contained in Annexure-1 which has been issued to several persons including the petitioner with respect to plot no. 1739 directing them to remove encroachment from the plot otherwise it would be vacated with the help of the District Administration.

Learned counsel for the petitioner submits that the petitioner has nothing to do with plot no. 1739, however, he has acquired plot nos. 1743 and 1744 through a valid deed of gift. In support of that, he has appended a copy of the deed of gift as Annexure-2.

In above view of the matter, this writ application is being disposed of with a direction to the Circle Officer, Bisfi, Madhubani to first demarcate plot nos. 1743 and 1744 and then proceed for removal of encroachment on plot no. 1739 as indicated in the notice. This order is limited to the land claimed by the petitioner. It is made clear that since no notice has been issued vide Annexure-1 with respect to plot nos. 1743 and 1744, that should not be touched unless that is also found to be a public land. However, in such case also, the petitioner or other claimant should be granted reasonable opportunity before taking steps for removal of encroachment.

This disposes of the writ application.

(Dr. Ravi Ranjan, J.)

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