

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24077 of 2013

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Thakur Chaudhari, Son Of Late Jagdish Chaudhari, Resident Of Village-
Phulwariya, Tola Dayachhapra, Police Station- Raghunathpur, District-
Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Land Reforms Deputy Collector, Siwan Sadar, Siwan
3. The Anchal Adhikari, Raghunathpur Block, Police Station-
Raghunathpur, District- Siwan
4. Sri Bikram Kuer, Son Of Late Jugal Kishore Kuer, Resident Of Village-
Phulwariya, Police Station- Raghunathpur, District- Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.C.Verma, Sr.Adv.
Mrs. Prem Sheela Pandey, Adv.
For the Respondent nos.1to3 : Mr. Arvind Kumar, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 06-01-2016 Heard the parties.

The petitioner is aggrieved by the notice dated 20.09.2013 issued by the respondent Anchal Adhikari, Raghunathpur, as contained in Annexure-9, whereby the petitioner has been directed to produce document/evidence in support of his claim over plots of land bearing survey plot no.2417 and 2744 situate at village-Phulwariya in the district of Siwan.

The learned senior counsel appearing on behalf of the petitioner submits that the impugned notice has been issued in a mechanical manner by the respondent Anchal Adhikari, Raghunathpur. According to him, there is nothing to show that under which provision of law the impugned notice was issued to the petitioner. It is contended that, while issuing the impugned notice, the respondent Anchal Adhikari, Raghunathpur was required to mention that under which provision of law the order is

proposed to be passed on the basis of the impugned notice.

Though, this writ petition was filed way back on 02.12.2013, but till date no counter affidavit has been filed on behalf of the official respondents disclosing therein about the final order passed on the basis of the aforesaid notice. However, the learned AC to SC-28, appearing on behalf of the official respondents, on oral instructions, submits that no further order has been passed on the basis of the impugned notice by the respondent Anchal Adhikari, Raghunathpur. He further submits that, even if the impugned notice is quashed on account of inherent defect, a liberty may be granted to the respondent State of Bihar and its functionaries to pass an appropriate order under appropriate provision of law with respect to the plots in question.

In view of the aforesaid submissions and taking into consideration that the impugned notice dated 20.09.2013 is completely vague and unspecific about the provision of law and furthermore taking into consideration the fact that no further order has been passed by the respondent Anchal Adhikari till date on the basis of the impugned notice, as per the submission of the learned State counsel, this Court is of the opinion that no useful purpose shall be served by allowing the impugned notice to continue.

Consequently, the impugned notice dated 20.09.2013 issued by the respondent Anchal Adhikari, Raghunathpur, as contained in Annexure-9, is hereby quashed and set aside. However, this shall not come in the way of the respondent Anchal Adhikari, Raghunathpur or any other competent authority of the respondent State of Bihar either to start a fresh proceeding or pass any fresh order under specific provision of law with respect to the lands in question.

If any such proceeding is started, then the same shall be decided in accordance with law after giving an opportunity of hearing to the petitioner, besides others.

The writ petition stands allowed to the extent indicated above, but with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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