

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14288 of 2016

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Dilip Rajak S/o Late Ayogi Rajak R/o Village Madda, P.S. Sanhoula, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar, through principal Secretary, Land Reforms, Department Govt. of Bihar, Patna
2. The District Magistrate/ Collector, Bhagalpur, District Bhagalpur
3. The Sub-Divisional Officer, Bhagalpur, District Bhagalpur
4. The Land Reforms Deputy Collector, Kahalgaon, District Bhagalpur
5. The Circle Officer, Sanhoula, Bhagalpur, District Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Sharda Nand Mishra and
Dhananjay Kumar Gupta, petitioners

For the Respondent/s : Mr. Sajid Salim Khan-SC25

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 10-02-2017

Heard parties.

It appears from the records that notice was issued upon the petitioner on 30.9.2014 fixing 24.10.2014 as the date of hearing. However, petitioner refused to accept the notice and on refusal the same was affixed on his main door. Thereafter, it appears that notice was sent through registered cover but the same was also returned by saying that addressee does not live there. Thereafter, Form II notices were also issued which was also not received by him. It gives a picture that the petitioner was purposely trying to avoid to receive the notice and not appearing before the competent authority.



Moreover, the petitioner only claims that 5 decimals of land of Plot No. 553 appertaining to Khata No. 59 which is his khatiyani land whereas the notices have been issued for removal of encroachment from Plot No. 01 appertaining to Khata No. 228, therefore, petitioner cannot be held to be aggrieved by the notices or the orders passed in the encroachment case.

Accordingly, this writ application stands disposed of with a direction to the respondent authorities to proceed in the case in accordance with law but it should not touch the Plot No. 553 appertaining to Khata No. 59 which is claimed by the petitioner.

However, if it is found that petitioner has encroached over the land under notice then that encroachment, after measurement and demarcation, should be removed forthwith.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.05.2017
Transmission Date	NA

