

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.192 of 2016
IN
Civil Writ Jurisdiction Case No. 23320 of 2013**

- =====
1. The State of Bihar.
 2. The District College, Gopalganj.
 3. The Circle Officer, Hathwa, District - Gopalganj.

.... Appellant/s

Versus

Smt. Manju Singh W/o Sri Anil Kumar Singh, at present residing at Bank Road,
Patna, P.S. - Gandhi Maidan, District - Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chitranjan Sinha, PAAG-2
Mr. Ranjan Kr. Singh, AC to PAAG-2
For the Respondent/s : Mr. Jitendra Singh, Sr. Advocate
Mr. Harsh Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-03-2017

Having heard learned counsel for the parties, we find
that the right of the respondent to the land in question and their
claim for renewal was upheld by virtue of an order dated 14.5.2010
passed in C.W.J.C. No.3637 of 2010 and once their right was
restored and the order passed in the said writ petition on 14.5.2010
has attained finality, the State Government having not challenged



the same, the notice for eviction given by the Circle Officer, Hathwa of District Gopalganj was clearly unsustainable and, therefore, in allowing the writ petition and quashing the order passed by the Circle Officer, we are of the considered view, that the writ Court has not committed any error. Once the right of the respondent, an auction purchaser, with regard to the land in question and the property thereto stood confirmed in C.W.J.C. No.3637 of 2010 vide order dated 14.5.2010, the Circle Officer had no authority to seek eviction of the respondent petitioner and, therefore, we find that in dealing with the matter in the following manner as done the learned Writ Court has not committed any error.

“I have heard Mr. Jitendra Singh, learned senior counsel appearing on behalf of the petitioner and learned counsel for the State on the issue and have perused the materials on record. The developments that has taken place in the matter during the pendency of the proceedings finally culminating into the order dated 5.9.2014 passed in Civil Review No.447 of 2013 only confirms the right of the petitioner to continue on the disputed plots by virtue of the order dated 14.5.2010 passed by the writ Court in CWJC No.3637 of 2010, which order stands restored. In such circumstances and where the very basis for the issuance of the impugned notice dated 12.11.2013 issued by the Circle Officer, Hathua, District-Gopalganj impugned at Annexure-12 to the writ petition stands removed, its continuation would be an illegality.

In the result the notice dated 12.11.2013 issued



by the Circle Officer, Hathwa, District-Gopalganj as contained in Annexure-12 is quashed and set aside.”

Finding no merit, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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