

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11340 of 2013

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Ram Chandra Sah Son Of Deo Narain Sah Resident Of Village - Asanpur Kupaha,
P.S. Kisanpur, District - Supaul

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Supaul
3. The Circle Officer, Kisanpur, Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prasant Sinha, Adv.
For the Respondent/s : Mr. Manoj Kumar Ambastha, S.C.-26.
Mr. Subodh Kumar, A.C. to S.C.-26.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date: 20-04-2017

Heard learned counsel for the petitioner and learned
A.C. to S.C.-26 for the respondents.

The present writ application has been filed for quashing
the notice dated 13.03.2013, as contained in Annexure-2, issued by
the Circle Officer, Kisanpur, respondent no.3 under Section 3 (1) of
the Bihar Public Land Encroachment Act whereby the petitioner was
asked to explain as to under what circumstances, he had made
encroachment over the land appertaining to Thana No. 93, Khata No.
346, Plot No. 1348, situated at Mauza Asanpur in the Supaul District.

It is submitted by the learned counsel for the petitioner
that the notice does not reflect the number of the encroachment case
and in pursuance to the notice, the petitioner appeared but the



respondent failed to look into the documents produced in support of the claim of the petitioner over the land in question. It is further submitted by learned counsel for the petitioner that the petitioner confines his prayer only to the extent of disposal of the encroachment proceeding, if any, pending after giving due opportunity to the petitioner and all affected persons of being heard and to produce all the documentary proof in support of their claim.

Considering the rival submissions of the parties, since from the notice dated 13.03.2013, as contained in Annexure-2, does not bear any encroachment case number, it is expected from the respondent authorities that if any proceeding is pending in pursuance to the notice, as contained in Annexure-2, then the authorities shall not pass any order without giving due opportunity to the petitioner and all affected persons, of being heard to produce the relevant documents in support of their respective claims.

With the aforesaid observation, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09/05/2017
Transmission Date	N/A

