

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15467 of 2013

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Anup Lal Sah Son of Ramawatar Sah Resident of Village and P.O.
Panjwara, P.S. Panjwara, Anchal Barahat, District - Banka

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner - Cum - Secretary, Department of Rehabilitation,
Govt. of Bihar, Patna
3. The District Magistrate, Banka
4. The Sub - Divisional Magistrate, Banka
5. Circle Officer, Barahat Anchal, District Banka
6. Officer In Charge, Panjwara Police Station District Banka
7. Hem Shankar Bhagat Son of Late Sridhar Bhagat Resident Of Village -
Panjwara, P.S. Panjwara, District - Banka

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Respondent/s : Mr. Sanjay Kr No.1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-04-2017

The present writ application has been filed for a direction to the respondent authorities to suitably rehabilitate the petitioner or to pay adequate compensation since the structure of the petitioner over the land in question appertaining to Khata No. 175, Plot No. 207 situated in the village-Panjawara in the District of Banka has been demolished in pursuance to the order of this Hon'ble Court dated 23.04.2012 passed in C.W.J.C. No. 12481 of 2009, though the land in question is recorded as 'Kaisre-hind' and petitioner is a landless person.

It is submitted by learned counsel for the



petitioner that one Hem Shankar Bhagat filed writ application being C.W.J.C. No. 12481 of 2009 with a prayer for removal of encroachment from the land of the petitioner of the said writ application. The said writ application was disposed of on 23.04.2012, whereby the Sub-Divisional Magistrate, Banka, respondent No. 4 was directed to get the encroachment removed from the land of the petitioner of the said writ application. Consequently the notices were issued to the petitioner with regard to removal of encroachment from Plot No. 208, Khata No.-19, Thana No. 354 situated in the village of Panjwara, but, in fact, the structure of the petitioner over Khata No. 175, Plot No. 207 situated in the village-Panjawara has been demolished.

Learned counsel for the petitioner submits that at present, he confines his prayer only to the extent of rehabilitation or payment of adequate compensation by the respondent authorities.

Considering the nature of relief, at present, sought for, the writ application is disposed of with liberty to the petitioner to file a representation before the District Magistrate, Banka within a period of four weeks from the date of receipt/production of the copy of this order. On filing representation by the petitioner within a period of four weeks, it is



expected from the District Magistrate, Banka to dispose of the representation of the petitioner with reasoned order within a period of four weeks thereafter.

Accordingly the writ application is disposed of.

(Dinesh Kumar Singh, J)

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