

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23682 of 2013

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Abdullah @ Girgit Mian, Son of Dost Mohammad Mian Resident of Village -
Baksa, P.S. Sugauli, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, West Champaran At Bettiah
3. The Circle Officer, Sugauli Anchal, District - East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. UMESH CHANDRA VERMA

For the Respondent/s : Mr. RAJIV ROY

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 14-07-2017

Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner and Mr. Suresh Kumar, learned AC to GP-1.

The present writ application has been filed for
quashing the notice dated 10.08.2013 issued under the signature of
Respondent No. 3, Circle Officer, Sugauli as contained in Annexure-
3, whereby the petitioner has been directed to stop construction of the
house over Gairmajarua road pertaining to Khata No. 133, Khesra
No.1090 in Mauza-Baksa in the district of East Champaran.

It is submitted by learned counsel for the petitioner



that without initiating any proceeding, the notice was issued, whereas the petitioner has not encroached the land in question.

Learned AC to GP-1 submits that the notice which has been provided by the petitioner has not been found in the records of Respondent No.3 and statement to that effect has been made in paragraph 5 of the counter affidavit. However, it is submitted that the land in question has been measured by the Anchal Amin who submitted the report on 29.06.2017 as contained in Annexure-R3/A and in turn the Karamchari submitted report dated 30.06.2017 as contained in Annexure-R3/B to the effect that ten persons have encroached the land in question and consequently appropriate proceeding under Bihar Public Land Encroachment Act, being Encroachment Proceeding No. 02/2017-18 has been initiated and vide order dated 01.07.2017 all the ten persons including the petitioners have been noticed. The aforesaid stand of the respondents has been incorporated in paragraph nos. 7 to 9 of the counter affidavit.

Considering the rival submissions of the parties and in view of the stand of Respondent No. 3 that the notice as contained in Annexure-3 is not on the record quashing of which has been prayed for, the present writ application has become infructuous as such. However, in view of the fact that the encroachment proceeding has already been initiated, it is expected



from Respondent No. 3 to take the said proceeding to its logical conclusion within a period of four months, after giving an opportunity of hearing to all the affected persons in accordance with the provision of Bihar Public Land Encroachment Act.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2017
Transmission Date	NA

