

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10701 of 2015

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1. Jitendra Mistri, son of late Bijendra Sao, resident of Mohalla- Govindpur, Fatuha,
P.S.- Fatuha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub- Divisional Officer, Patna City, Patna
4. The Executive Officer, Nagar Panchayat, Fatuha, Patna.
5. The Circle Officer, Fatuha, Patna.
6. The Umat Rasul Wakf Market Board through its Secretary Ali Imam Bharti,
resident of Govindpur, P.S.- Fatuha, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Lakshmi Kant Sharma Mr. Rajesh Kumar, Advocates
For the Respondent/s	:	Mr. Apurv Kumar, AC to G.A. 4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 18-03-2017

Heard learned counsel for the parties.

The present writ application has been filed for quashing the notice dated 30.6.2015 issued by respondent no. 5, the Circle Officer, Fatuha, whereby twenty eight persons including the petitioner whose name appear at serial number 14 of the notice as contained in Annexure 1, have been directed to file documents with regard to their claim over the land appertaining to Thana No. 20, Khata No. 60, Plot No. 508 area 0.29 decimals situated in Mauza Mirjapur Nauhatta.

It appears that the said notice was issued in pursuance to some order passed in the writ application filed with regard to



encroachment of Kabristan.

It is submitted by learned senior counsel for the petitioner that the petitioner and others are keeping their wooden shops (Gumti) in between the land of the flank of the road and Kabristan though the petitioners and others have made payment of rupees five thousand each for running shops to the Kabristan Suraksha Samiti. The report of the Notified Area Committee as contained in Annexure 3 suggests that the wooden shops are in between the land of Kabristan and the flank of the road and the shopkeepers used to pay certain amount per day to the local contractor.

Learned counsel for the respondent State submits that simply notice has been issued and the authorities have directed the petitioner and others to produce documentary evidence with regard to their claim over the land in question.

Considering the rival submission of the parties, this court is not inclined to interfere in the matter at this stage. However, it is expected from respondent no. 5 the Circle Officer, Fatuha, Patna to conclude the proceeding if it has already not been concluded in accordance with law after giving notice to all affected persons, preferably, within a period of three months. It is expected from the petitioner to appear regularly till the conclusion of the proceeding.

Till then, status quo, as existing today, shall be maintained.



The writ application stands disposed of.

(Dinesh Kumar Singh, J)

Anil/-

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

