

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5883 of 2011

1. Ramashray Singh
2. Vijay Kumar Singh
3. Ashok Singh

All are sons of late Gita Singh, and resident of village, Losghani, P.S.
Piri Bazar, Distt.- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna
2. The Settlement Officer, Munger
3. The Circle Officer, Piri Bazar Block, Lakhisari
4. The General Manager, Eastern Railway, Malda
5. The Divisional Railway Manager (D.R.M.), Malda Division, Malda
6. The Estate Officer, Eastern Railway, Malda
7. The Station Master, Abhaipur Railway Station, Abhaipur, Lakhisarai

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Shree Ganesh, Advocate
For the State	:	Mr. R. B. N. Singh, A.C. to G.A. 10
For the respondent nos.4 to 7	:	Mr. Anil Singh, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 02-11-2018

Heard parties.

It is submitted that the impugned notices issued under sub-Section (1) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as “the Act”) were never received by the petitioners. In fact, their claim is



that there is no notice at all. However, in the counter affidavit, copies of the notices issued have been appended as Annexures R1 to R4. It appears that notices were issued under sub-Section (1) of Section 4 of Act, as amended in 1980, and, thereafter, notices were issued under Section 5 also.

Respondents allege that the petitioners' statement is incorrect that notices were not issued upon them as petitioner no.3 was noticed vide Annexure R/2, and petitioner no.1 was also noticed, but the name is different since in the course of survey petitioner no.1 has got his name recorded as Ramesh Kumar Singh.

However, the main issue now would be as to whether the notice is as per format and disclosing the requisite details to enable the noticee to effectively respond. The answer has to be in the negative for the reason that notices do not disclose any description of the land such as, khata number, plot number, thana number etc. along with the area. Such lapse strikes at the root of the principle of natural justice, and the notice suffers from the vice of arbitrariness.

As a result, this writ application stands disposed of. All the notices, i.e., R/1 to R/4 are quashed and set aside. However, the respondent would be at liberty to issue fresh notice, if it so



desires, in proper format disclosing the requisite materials which would be necessary for answering the same.

(Dr. Ravi Ranjan, ACJ)

(Madhuresh Prasad, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.11.2018
Transmission Date	NA

