

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13062 of 2012

SARVAJANIK DURGA PUZA COMMITTEE, CHOWK BAZAR, AZAM NAGAR, DISTRICT- KATIHAR THROUGH ITS PRESIDENT NAMELY KAPILESHWAR PRASAD LAL S/O LATE KAMAKHYA PRASAD RESIDENT OF VILLAGE- AZAM NAGAR, POST OFFICE AND POLICE STATION- AZAM NAGAR, DISTRICT- KATIHAR.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. THE SUB- DIVISIONAL OFFICER, BARSOIN, KATIHAR.
3. THE DEPUTY COLLECTOR, LAND REFORMS, BARSOI, KATIHAR.
4. THE DEPUTY COLLECTOR, LAND REFORMS, BARSOI, KATIHAR.
5. THE CIRCLE OFFICER, AZAM NAGAR, BLOCK- KATIHAR.

... .. Respondents

Appearance :

For the Petitioner : Mr. Jibendra Mishra, Advocate
For the Respondents : GA 6

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

3 12-10-2018 We have heard learned Counsel for the petitioner and the learned Counsel for the State.

This writ petition has been filed for quashing the various notices, dated 17.5.2012, contained in Annexure 9 series, issued by respondent No. 5, the Circle Officer, Azam Nagar Block, Katihar, against 13 persons to remove their encroachment from Khesra No. 949 to 949/13, appertaining to Khata No. 742, Revenue Thana No. 460, Mauza Azam Nagar, District Katihar, on which they have constructed pucca *Katras* and are running shops.



They have not come individually before this Court rather one Sarvjanik Durga Puja Committee, Chowk Bazar, Azam Nagar, District Katihar has approached this Court describing itself as duly constituted committee within the Gram Panchayat Raj, Block Azam Nagar in the District of Katihar. There is also one temple in the land in question. It has further been stated that the case is being filed through the President of the Committee in representative capacity on behalf of the 13 persons who have been noticed.

We are unable to understand as to why the individual persons have not approached this Court. However, the stand of the writ petitioner is that the *sarb sadharan* land was provided to the Committee by the Gram Panchayat.

Be that as it may, any defence which is to be taken by the concerned person, has to be taken before the Circle Officer itself responding to the notice issued under Section 3 of the Bihar Public Land Encroachment Act, 1956.

Accordingly, the writ petition stands disposed of granting such liberty to the 13 persons who have been noticed by respondent No. 5. The writ petitioner may also file its stand before the respondent No. 5. After hearing the parties respondent No. 5, the Circle Officer, Azam Nagar Block,



Katihar, would be required to dispose of the matter within a period of three months in accordance with law after granting reasonable opportunity to all concerned.

(Dr. Ravi Ranjan, J.)

(Madhuresh Prasad, J.)

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