

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6053 of 2018

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Rameshwar Rai, aged about 58 years, S/o Late Baban Rai, Resident of
Kochar (Sone Nagar), P.O.- Sone Nagar, P.S.- Barun, District- Aurangabad.

.... Petitioner/s

Versus

1. The Union of India.
2. The General Manager, East Central Railway, Hajipur, Vaishali (Bihar).
3. The Sr. Divisional Engineer (2), Office of the Estate Officer, DRM
Office, East Central Railway, Mughalsarai.
4. The Collector, Aurangabad.
5. The District Board, Aurangabad through the Deputy Development
Commissioner, Aurangabad.
6. The District Engineer, District Board, Aurangabad.
7. The Land Reforms Deputy Collector, Aurangabad.
8. The Anchal Adhikari, Barun, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shitanshu Shekhar Mishra
For the Respondent/s : Dr. Candra Shakhar Azad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2018

The petitioner by way of the present writ petition has
prayed for following reliefs:-

“(i) For issuance of an appropriate writ, order or
direction for quashing the notices issued to the
petitioner under section 4(i) of the Public
Premises (Evictions of Unauthorized Occupants)
Act, 1971 by the Sr. Divisional Engineer(s), East
Central Railway, Mughalsarai in Case No.
719/2018 and 744/2018 both dated 19.02.2018
whereby the petitioner has been directed to
vacate the land in question over which the
petitioner has absolute right, title and possession
since last almost 100 years.



(ii) For issuance of direction to the respondent no.2 and 3 to allow the petitioner to reside over the land in question which has been settled in favour of the great grandfather of the petitioner through a registered lease deed by the District Board, Gaya in the year 1925.

(iii) For restraining the respondent no.2 & 3 from taking any coercive action against the petitioner as the land in question never belonged to the Railways as the same belonged to the District Board, Gaya which leased out the land and in terms of the lease agreement a pucca house has been constructed over the land in question.”

The learned counsel for the petitioner submits that the petitioner had filed a reply to the notice dated 5.1.2018. However, without considering the objections of the petitioner and without deciding the same, a fresh notice dated 19.2.2018 has been issued.

In view of the aforesaid, the petitioner is granted liberty to file objection to the notice dated 19.2.2018 within a period of two weeks from today and in case such objection is filed the same shall be adjudicated on the merit of the case and disposed of by the concerned authority within a period of four weeks thereafter by a reasoned and speaking order.



It is needless to state that the petitioners shall not be evicted from the premises in question till the final adjudication of the objection of the petitioner.

The writ petition is disposed of.

(Mohit Kumar Shah, J)

BTiwary/-Md Rashid

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