

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.29 of 2018

In
Civil Writ Jurisdiction Case No.12766 of 2017

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Sita Ram Paswan, Son of Blaeshwar Paswan, resident of Village- Sare, Police Station- Sare, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Divisional, Patna.
3. The Collector-cum- District Magistrate, Nalanda at Biharsharif.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The Sub- Divisional Officer, Biharsharif, Nalanda.
6. The Anchal Adhikari, Asthawan, P.S.- Asthawan, District- Nalanda.
7. The Station House Officer, Sare Police Station, District- Nalanda.
8. Ravindra Prasad Singh, S/o Late Misri Singh, resident of Village- Sare, P.O.+ P.S.- Sare, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anjum Perveen, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 21-03-2018 While disposing of C.W.J.C. No. 12766 of 2017 on 27.11.2017 we have only directed the statutory authority under the Bihar Public Land Encroachment Act to register an encroachment proceedings and proceed in accordance with law.

Grievance of the applicant before us is that order has been passed without notice to him and without hearing him.

Merely because he has not been noticed or heard, no prejudice will be caused to him as before passing the order



under the Encroachment Act, the competent authority is required to issue notice to all the encroachers, hear them and thereafter pass an order after following the due process of law.

That being so, we see no reason to review/recall of the order. The applicant may raise such objection as are permissible under law before the statutory authority when the proceedings under the Encroachment Act are initiated.

With the aforesaid, the application stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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