

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10424 of 2018

=====

Rajeshwar Prasad Singh age about 78 years, son of Late Naumi Singh, resident of Village- Rukanpura, P.O.- Dhanaut, Thana 18, P.S.- Rupaspur, Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Road Construction, Government of Bihar, Patna.
4. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna
5. The Secretary, Department of Railway, Union of India, New Delhi.
6. The General Manager, East Central Railway, Sonpur, Hajipur, Vaishali.
7. The Divisional Railway Manager, Danapur Railway Division, Danapur, Patna.
8. The Principal Secretary, Revenue & Land Reforms, Govt. of Bihar, Patna.
9. The Director, Land Acquisition, Government of Bihar.
10. The Circle Officer, Danapur, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner : Ms. Shama Sinha, Advocate
For the Respondents : Mr. Rishi Raj Sinha-SC19
For the Railway : Mr. Kumar Alok, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-09-2018

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed to issue an appropriate writ/order/direction to set aside the impugned order dated 31.03.2018 issued by the Collector under sub-section (2) of Section 6 of the Bihar Public Land Encroachment Act, 1956.



2. In response to the notice issued by this Court, a counter affidavit has been filed on behalf of the respondents more particularly by the Circle Officer in which it is stated that the notice has wrongly been issued and the same is withdrawn and proceedings under the provisions of the Bihar Public Land Encroachment Act, 1956 has never been initiated and a fresh order shall be passed after giving an opportunity to the petitioner. It is stated that as the date for hearing has already gone, the next date of hearing would be 29.09.2018.

3. It has been submitted on behalf of the petitioner that the petitioner shall appear before the Circle Officer in the Encroachment Case on 29.09.2018 and the present order be treated as notice for hearing.

4. In view of the above, when the impugned notice is withdrawn, we dispose of the present petition by directing the Circle Officer to pass appropriate order in encroachment case in accordance with law and on merits after giving an opportunity to the petitioner and thereafter only to take further steps.

5. With this the petition is disposed of.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2018
Transmission Date	20.09.2018

