

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11916 of 2019

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Ram Chandra Prasad @ Ram Chandra Pd. Yadav Son of Late Chhotan Prasad
R/o Village- Sadauli, Bigaha, P.O.- Madanpur, P.S.- Ekangarsarai, Distt.-
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through D.M. Nalanda.
2. The District Magistrate-Cum- Collector Nalanda.
3. The Deputy Collector Land Reforms Hilsa, Nalanda.
4. The Circle Officer Enkangarsarai, Distt.- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kaushal Kishor, Advocate
For the Respondent/s : Mr. Rakesh Kumar Shrivastava, AC to GP 15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-06-2019 The grievance of the petitioner in the present case is that the respondents have not caused any enquiry before issuing notice under Section 6 and without opportunity of hearing they have declared the petitioner encroacher and issued direction for removal of encroachment; such action of the respondents, according to the petitioner, is against the relevant provisions and violative of principles of natural justice.

Considering the aforesaid, the writ petition is disposed of with a direction to the Circle Officer, Ekangar Sarai, Nalanda to provide opportunity of hearing to the petitioner before taking any step for removal of encroachment. The petitioner shall be at liberty to produce all the relevant documents in support of his



claim as to physical possession for the last 80 years and all other materials to indicate that he has not made any encroachment over public land. After hearing the petitioner the Circle Officer, Ekangar Sarai is required to pass a fresh order before taking any further step for removal of encroachment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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