

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13896 of 2014

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1. Sita Ram Chaudhary & anr S/o Late Ram Lakhan Chaudhary, R/o village Vidhan, P.O. P.S.- Vidhan, District- Samastipur
 2. Pawan Kumar, S/o Sri Sita Ram Chaudhary, R/o village Vidhan, P.O. P.S.- Vidhan, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sri Arvind Kumar Ajit, Circle Officer, Circle Office, Vidhan, P.S.- Vidhan, District- Samastipur
3. Sri Babloo Kumar, Block Development Office, Block- Vidhan, P.S.- Vidhan, District- Samastipur
4. Sri Amjad Ali, Station Incharge of Police Station, Vidhan, District Samastipur
5. Sri Ram Kumar, Halka Kramchari, Anchal Vidhan, P.S.- Vidhan, District- Samastipur
6. Sri Rajendra Singh, Kramchari, Anchal Vidhan, P.S.- Vidhan, District- Samastipur

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13735 of 2014

Shri Jago Sah S/o Late Ram Sharan Sah R/o Village Vidhan, P.O. P.S. Vidhan, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sri Arvind Kumar Ajit, Circle Officer, Circle Officer, Vidhan, P.S. Vidhan, District Samastipur.
3. Sri Babloo Kumar, Block Development Officer, Block- Vidhan, P.S. Vidhan, District- Samastipur.
4. Sri Amjad Ali, Station Incharge of Police Station, Vidhan, District Samastipur.
5. Sri Ram Kumar, Halka Kramchari, Anchal Vidhan, P.S.Vidhan, District- Samastipur.
6. Sri Rajendra Singh, Kramchari, Anchal Vidhan, P.S.- Vidhan, District- Samastipur.

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 13896 of 2014)

For the Petitioner/s : Mr.Indu Bhushan, Advocate

For the Respondent/s : Mr.Ramadhar Singh, GP 25

(In Civil Writ Jurisdiction Case No. 13735 of 2014)

For the Petitioner/s : Mr.Krishna Mohan Prasad

For the Respondent/s : Mr.Subhash Pd. Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 17-06-2019 Pursuant to the order dated 13.05.2019 the Circle
Officer is physically present in Court.

Learned counsel for the petitioners submits that the respondents have demolished the structure of the petitioners without following the principles of natural justice. The notice was issued with regard to different plot and the structure was standing on different plot. Without considering the aforesaid the respondents have removed the structure in the name of encroachment. He further submits that the land in question was allotted to the petitioners under the scheme of Bhoodan Yagna by the Bhoodan Yagna Committee.

On behalf of the respondents stand has been taken that the petitioners are not entitled to any relief as they have violated the norms of Parcha and therefore, they are not entitled to any indulgence in the present proceeding.

Without going into the nitty-gritty of the aforesaid aspects, the writ petitions are disposed of with a direction to the respondent- Circle Officer, who is present in Court, to provide



one more opportunity to the petitioners and the petitioners shall be at liberty to place all the relevant documents in support of their claim. The Circle Officer is required to hear the petitioners and decide their claim by reasoned and speaking order within a period of four months from today. If it is found that the notice was not issued with regard to the land on which the structure was standing, then in that situation the Circle Officer shall be under obligation to restore the physical possession of the land as existed prior to the removal of the structure. Necessary decision with regard to restoration of possession including restoration of structure must be taken by the respondents within the time frame as indicated above.

With the aforesaid, both the writ petitions stand disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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