

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3196 of 2020

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Md. Zahid Ali, Son of Late Moinuddin Khan, R/o Mohalla Koeli Pokhar
Gewal Bigha, P.S. Rampur, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Government of Bihar.
2. The Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna.
3. The Commissioner, Magadh Pramandal, Gaya.
4. The District Collector-cum-District Magistrate, Gaya.
5. The Zila Parishad through its Chairman, Zila Parishad, Gaya.
6. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Gaya.
7. The Director-cum-Asst. Chief Execuitive Officer, Zila Parishad, Gaya.
8. The Sub-Divisional Officer-cum-Sub-Divisional Magistrate, Sadar Gaya.
9. The Anchal Adhikari, Nagar Anchal, Chandauti Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the State : Ms. Archana Meenakshee (GP6)
For the Zila Parishad : Mr. Harish Chandra Patel, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 27-02-2020

The petitioner claims to be the settlee of three
plots by the Zila Parishad, Gaya. An agreement also appears
to have been entered into between the Zila Parishad, Gaya



and the petitioner with respect to the allotment of aforesaid plots. However, when the construction of the shop was started, without any notice to the petitioner, the same was demolished by the District Administration.

2. Learned counsel for the petitioner submits that no proceeding under the Bihar Encroachment Act is pending against him and when an agreement was entered into with the Zila Parishad, Gaya, for construction of shops over the plot of land which has been allotted to the petitioner, there is no reason why any hindrance ought to have been put in such construction. Apart from this, it has been submitted that for demolishing the erected structure, the petitioner had to be noticed first.

3. A representation has been filed by the petitioner before the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Gaya on 15.11.2019, which up-till now has not been adverted to.

4 This Court, under the aforesaid circumstances and taking the submissions urged on behalf of the petitioner to be true, directs that in case a fresh representation is filed



before the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Gaya, within a period of one week positively, the concerned respondent shall look into the matter, verify the facts and shall, thereafter, pass a reasoned order in accordance with law, which decision shall be communicated to the petitioner forthwith.

5. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.03.2020
Transmission Date	N/A

