

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 6130 of 2021

M/s Gopal Petrol Pump through its proprietor Binod Kumar Poddar, aged about 73 years, male, son of Late Girdhari Lal Poddar, resident of Mohalla-Mohan Nagar, Sipahi Lane, P.S.-Rampur, District-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Gaya
2. The Anchala Adhikari (Circle Officer), Town Anchal, Chandauti, District-Gaya.

.. ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Sinha, Adv.
For the State	:	Mr. Raj Kishore, GP-18

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 05-07-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the notice dated 09.01.2021 issued by the Circle Officer, Town Anchal, Chandauti, District- Gaya in Land Encroachment Case No. 17 of 2018-19 whereby and whereunder the Respondents are proceeding to demolish the



boundary wall situated on the premises of the petitioner, without examining the lawful possession of the petitioner over the land in question.

The learned counsel for the petitioner has submitted that the petitioner is having right, title and possession over the land appertaining to cadastral khata no. 16, cadastral plot no. 89, Municipal Survey Plot No. 2134 and 2135 situated at Sipahi Lane, Mohan Nagar, Rampur, in the District of Gaya. The learned counsel for the petitioner has further submitted that without verifying the factual position, the Respondents have given notice for demolition of the boundary wall situated within the premises of the petitioner. The learned counsel for the petitioner has further submitted that no encroachment has been made by the petitioner and the petitioner is in bonafide possession of the land in question since the year 1965.

Per contra, the learned counsel for the Respondent-State, Sri Raj Kishore (GP-18), has



submitted that the aforesaid notice dt. 09.01.2021 itself shows that no action is proposed to be taken as far as plots no. 2134 & 2135 are concerned and the action is only being taken qua the encroachments made over plots no. 4926 & 4929.

Having regard to the submissions made by the learned counsel for the parties and considering the materials available on record, this Court finds that the Respondents are seeking to remove encroachments only from plots no. 4926 and 4929, hence, as far as the plots of the petitioner are concerned i.e. plots no. 2134 and 2135, no action is proposed.

In such view of the matter, the present writ petition stands disposed of with a direction to the Respondent authorities not to demolish any part of the boundary wall situated over plots no. 2134 and 2135, as aforesaid.

(Mohit Kumar Shah, J)

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