

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16747 of 2018

1. Suresh Yadav,
2. Naresh Yadav,
3. Dinesh Yadav,
4. Ganesh Kumar @ Ganesh Kumar Yadav, All are son of Late Ram Prasad Yadav, Resident of Near Purani Jail, Saharsa, Ward No-20, P.S.- Saharsa Sadar, District- Saharsa.

... .. Petitioner/s

Versus

1. The Principal Secretary Road Construction Department Government of Bihar, Patna.
2. District Magistrate, Saharsa.
3. Sub Divisional Officer, Road Construction Department, Road Sub Division, Sonvarsha, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Vikram, Advocate
	:	Mr. Apurv Kumar, Advocate
For the Respondent/s	:	Mr.Sushil Kumar- GP 22

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-09-2022 The present writ petition has been filed for quashing the notice dated 10.04.2018, issued by the Sub Divisional officer, Road Construction Department, Road Sub Division, Sonvarsha, Saharsa i.e. the respondent no. 3.

The learned counsel for the petitioners has submitted that the said notice dated 10.04.2018 has been issued to the petitioners, without either initiating any encroachment proceedings or giving an opportunity of hearing to the petitioners herein, hence, the same is fit to be quashed.



The learned counsel for the respondents- State has though supported the action of the respondent no. 3, however, has submitted that in case, encroachment proceedings have not been initiated, the same shall be initiated and taken to its logical conclusion.

Having regard to the facts and circumstances of the case, this Court finds that without initiating any encroachment proceeding, muchless giving any opportunity of hearing to the petitioners, the respondent no. 3 has directly issued a notice dated 10.04.2018 for removal of the alleged encroachment made by the petitioners over the government land, which is not only contrary to law but also in violation of the Principles of Natural Justice, hence, the same is quashed, however, liberty is granted to the respondents to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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