

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15722 of 2021

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1. Anita Devi Wife of Sri Ambika Kumar Gupta, Resident of Mohalla-Koiribari, Post Office-Gaya, Police Station-Vishnupad, District-Gaya.
 2. Ambika Kumar Gupta, son of Sri Laxman Prasad, Resident of Mohalla-Koiribari, Post Office-Gaya, Police Station-Vishnupad, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Collector-cum-District Magistrate, Gaya.
3. The Sub Divisional Officer, Gaya.
4. The Circle Officer, Circle Office, Gaya.
5. The Gaya Nagar Nigam through Nagar Ayukta, Gaya.
6. The Nagar Commissioner, Gaya Nagar Nigam, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Virendra Prasad
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-12-2022 The present writ petition has been filed
seeking the following reliefs:-

“1(i). For quashing the order of demolition of the boundary of the petitioners land by the Respondent No. 2, which is published in daily newspaper i.e. Dainik Bhaskar on 28.8.2021 on the basis of illegal report submitted by the Commissioner, Nagar Nigam, Gaya i.e. Respondents No. 5 and 6 without any



providing opportunity, without any noticing and without hearing of the petitioners by which the Respondent No. 4 i.e. the Circle Officer, Gaya issued the land is raiyati land.

(ii). For direct to the respondents authorities not to demolish the boundary of piece of land of the petitioners without providing natural justice, that land is raiyati land by which report submitted by the Circle Officer, Gaya.”

At the outset, the learned counsel appearing for the Gaya Nagar Nigam, Gaya submits that in case, the Respondents No. 5 and 6 are of the view that the petitioners has constructed a boundary wall illegally, the authorities would first issue a show cause notice, seek reply of the petitioners and pass a reasoned and a speaking order, in accordance with law and only then, appropriate action would be taken, if so warranted.

In view of the aforesaid submissions made by the learned counsel for the Respondents No. 5 and 6, I deem it fit and proper to dispose of the



present writ petition in terms thereof.

(Mohit Kumar Shah, J)

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