

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14446 of 2013

1. Bishwanath Saraf Son Of Late Laxmi Narayan Saraf Resident Of Triveniganj, P.S.- Triveniganj, District- Supaul
2. Ramesh Prasad Singh Son Of Sri Chandra Mohan Prasad Singh Resident Of Village- Parsahi, P.O.- Bajitpur, P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Saharsa
3. The Collector, Supaul
4. The Sub-Divisional Officer, Triveniganj, District- Supaul
5. The Circle Officer, Triveniganj, District- Supaul
6. The Officer-In-Charge, P.S.- Triveniganj, Supaul
7. Sushil Yadav @ Sushil Kumar Suman, S/o Late Sheo Nandan Yadav, R/V- Thalha Gadhiya, Triveniganj, P.S.Triveniganj, District-Supaul.
8. Dilip Kumar Yadav @ Dilip Kumar, S/o Late Sheo Nandan Yadav, R/V- Thalha Gadhiya, Triveniganj, P.S.Triveniganj, District-Supaul.
9. The Zila Parishad, Supaul through its Chief Executive Officer.
10. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Sinha, Adv.
For the State	:	Mr.Mahtab Alam, AC to SC-20
For the Pvt. Respondent	:	Mr. Sanjeev Nikesh, Adv.
For the Zila Parishad	:	Mr. Nikesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 22-08-2023

The present writ petition has been filed seeking quashing
of the order dated 21.6.2013, passed by the learned Court of



Commissioner, Koshi Division, Saharsa, in Public Land Encroachment Revision Case No. 142 of 2013, whereby and whereunder it has been directed to remove the encroachment from the public land, appertaining to Khesra No. 11333 and 11382, situated at Mauza-Thalaha Gadhiya, P.S. No. 269, Khata No. 1011, Khesra (Old) No. 6833, Circle-Triveniganj, District-Supaul.

2. The learned counsel for the petitioners submits that the aforesaid land in question belongs to the petitioners and the order dated 21.6.2013 has been passed by the learned Court of Commissioner, Koshi Division, Saharsa, without either hearing the petitioners or without them being parties to the aforesaid proceedings, hence, the impugned order dated 21.6.2013 qua the petitioners herein suffers from the vice of non-compliance of the principles of natural justice, thus, is fit to be set aside as far as the petitioners are concerned.

3. The learned counsels appearing for the Respondents-State, the private Respondent and the Zila Parishad, Supaul, have not disputed the fact that the petitioners were neither party to the aforesaid revisional proceedings nor they were heard by the learned Commissioner, Koshi Division, Saharsa, before passing of the impugned order dated 21.6.2013, hence, have



submitted that the matter be remanded back to the learned Court of Commissioner, Koshi Division, Saharsa, for rehearing and passing of orders afresh.

4. Having regard to the facts and circumstances of the present case, this Court finds that admittedly, the petitioners were neither parties to the aforesaid revisional proceedings nor they were heard before passing of the order dated 21.6.2013, by the learned Commissioner, Koshi Division, Saharsa, against the petitioners, thus, I deem it fit and proper to quash the order dated 21.6.2013, passed by the learned Commissioner, Koshi Division, Saharsa, and remand the matter back to him, who, after getting the petitioners added as party respondents to the aforesaid proceedings, shall issue notice to the petitioners and after granting an opportunity to the Petitioners to put forth their defence as also upon hearing them, shall pass an order afresh, in accordance with law.

5. The present writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2023
Transmission Date	NA

