

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10256 of 2023

Indeswari Prasad Mandal S/o Late Dasharath Prasad Mandal R/o Dhanaut,
P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, at Patna.
3. The District Magistrate Cum Collector, at Patna, District- Patna.
4. The Circle Officer, Danapur, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Respondent/s : Mr.Subhash Prasad Singh (Ga 3)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-12-2023 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the notice dated 3.7.2023 issued by the respondent No. 4 in Encroachment Case No. 3 of 2023-24.

3. The petitioner is aggrieved by the red marking made on the house of the petitioner for indicating encroachment and demolition.

4. It has been submitted by the learned counsel for the petitioner that petitioner used to reside in the house in question from last thirty years and now after thirty years an encroachment proceeding has been initiated against the petitioner.

5. Learned counsel has also relied upon a judgment 10.9.1999 of this Court passed in C.W.J.C. No. 3654 of 1990 and has submitted that a person, who acquires a title on the



public property on account of afflux of time cannot be evicted in a summary proceeding by the State and such complicated questions of title requires an impartial adjudication as per the established procedure of law.

6. No property of any citizen can be demolished without initiating an appropriate proceeding against him. In the present, case from the counter affidavit of the State it also appears that no hearing has been given to the petitioner after initiation of encroachment proceeding.

7. In view of the above, it is directed to the respondent authorities that the house of the petitioner should not be demolished without hearing the petitioner after notice. The petitioner is also having a right to file appeal or approach this Court against the order passed by the Circle Officer.

9. With the aforesaid directions, this application is disposed of.

(Sandeep Kumar, J)

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