

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15153 of 2022

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1. Chandi Sharma @ Chandeshwar Sharma son of Late Anup Sharma, resident of Belwara Punarwas P.S. Simribakhtiyarpur District- Saharsa.
 2. Manish Sharma son of Katnlal Sharma resident of Belwara Punarwas P.S. Simribakhtiyarpur District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Water Resources Development Department Bihar Patna.
2. District Magistrate Saharsa.
3. Rehabilitation Officer (Koshi Yozna) Supaul District Supaul email ID punarwasoffice@gmail.com
4. Sub- Divisional Officer Simribakhtiyarpur, District- Saharsa.
5. Circle Officer Simribakhtiyarpur, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Respondent/s : Mr.Vikash Kumar (Sc 11)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 28-08-2023

The present writ petition has been filed seeking the following relief:-

“1. That in this writ petition challenge is made to the illegality & Validity of illegal & arbitrary order passed by Rehabilitation Officer (Koshi Yozna) Supaul District Supaul directed the Circle Officer Simribakhtiyarpur by his Letter No.473 Dated 13.06.22 to remove/demolish the House of the Petitioner(s) since the Petitioners were not allotted the same Land. The letter issued by Rehabilitation Officer (Koshi Yozna) Supaul District Supaul is



contrary to Government decision circulated under the Signature of Principal Secretary by his Letter No.1526 dated 08.09.16 issued under the Signature of Principal Secretary, water resources Development Department. Moreover the Rehabilitation Officer (Koshi Yozna) Supaul District Supaul before directing eviction of the petitioner didn't gave any opportunity of hearing to the petitioner before passing evil consequence against the petitioner. Moreover Neither the Rehabilitation Officer (Koshi Yozna) Supaul District Supaul nor the Circle Officer Simribakhtiyarpur has mentioned the Plot Number & Khata Number of the Land illegally occupied by the petitioner while the Petitioner was allocated same land for construction of House & the name of the petitioners ancestor is mentioned in the List prepared by the Rehabilitation Officer (Koshi Yozna) Supaul District Supaul but time to time some person used to harass those public who were settled by the rehabilitation Officer (Koshi Yozna) Supaul District Supaul as stated above the name of ancestor of petitioner's is mentioned in the list of Person settled at Belwara Punarwas & this fact was reported by the Anchal Karamchari & even Rehabilitation Officer (Koshi Yozna) Supaul District Supaul has informed under RTI that the name of Jogi Sharma son of Dhuthar Sharma & Chandeshwari Sharma son of Anup Sharma (Petitioner No.1) is recorded at Serial No.252



having one share each as Communicated by Letter No.639 Dated 08.08.22 while name of Gohli Sharma son of Bahuri Sharma is mentioned at Serial No.260 as communicated by Letter No.640 dated 08.08.22 & both these letters were communicated by rehabilitation Officer (Koshi Yozna) Supaul District Supaul as such the action of authority is illegal & arbitrary exercise of Power since further there is no mention of Plot Number & Khata Number to the land As such the petitioner prays for issuance of appropriate writ order or direction of writ in the nature of mandamus commanding the respondents for following main relief.”

2. The learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the District Magistrate, Saharsa, for producing proof with regard to allotment of the plot in question so that appropriate decision can be taken by the District Magistrate, Saharsa, in light of the letter no. 1526 dated 8.9.2016, issued by the Principal Secretary, Water Resources Department, Government of Bihar, Patna. Liberty, so sought, is granted.

3. It is needless to state that in case, appropriate representation is filed by the petitioners, annexing the relevant documents and the aforesaid letter, issued by the Principal



Secretary, Water Resources Department, Government of Bihar, Patna, dated 8.9.2016, is filed within a period of four weeks from today, before the District Magistrate, Saharsa, he shall consider the same, in accordance with law and pass a reasoned and a speaking order, within a period of six weeks, thereafter.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2023
Transmission Date	NA

