

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17325 of 2022

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Rama Shankar Singh Son of Sri Vishwanath Singh, Resident of Mohalla-Adarsh Nagar, near Acharya Narendra Deo Middle School, Buxar, P.S.-Buxar (Town), District-Buxar, presently Secretary, Ujjwal Mahila Vikas Kendra (A Registered N.G.O.) Near Red Cross Society Building, Ram Rekha Ghat Road, Buxar, P.S.-Buxar (T), District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate-cum-District Collector, Buxar, District-Buxar.
3. The Sub-Divisional Officer, Buxar Sadar, District-Buxar.
4. The Executive Officer, Buxar Nagar Parshad, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manendra Kumar Sinha, Advocate
for Respondent No.2 to 4	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Arun Kumar Bhagat, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-07-2023 Heard the parties.

The prayer is for quashing of the order vide letter no. 2872 dated 17.10.2022 (modified notice vide letter no, 2919 dated 18.10. 2022) by which the allotment of place/ land has been cancelled by the Respondent no. 4 without any cogent reason relating to evaluation of shop (situated in Khata no, 490, Plot No. 724) near Red Cross Society building, Ram Rekha Ghat Road, Buxar, District- Buxar, which was duly allotted to the petitioner for twenty years in the year 2013 though an agreement executed by the Respondent no. 4 on 13.12.2013.



Learned counsel for the petitioner submits that contrary to the notice served upon, it is his categorical statement that there has not been any violation of the agreement clause and he is still ready to get the land measured to show that he is not encroached any piece of land.

It is his further submission that he had submitted his written explanation pursuant to the notice issued but as per the order it has been incorporated that no reply was filed record. He further submits that he is ready to sit with the authorities and get his area measured and is ready to face the consequences.

Learned counsel appearing on behalf of the Nagar Parishad, Buxar on the other hand submits that as per the report which has been incorporated in the notice vide letter no.1972 dated 27.07.2022, he has made some construction on the open land.

In view of the categorical statement of the learned counsel for the petitioner which also founds incorporated in the writ petition that he has not made any encroachment other than the land allotted, it is appropriate that the respondent authorities re-check/get the land measured and thereafter pass a fresh order.

In that view of the matter, the office order dated 17.10.2022 and 18.10.2022 stands quashed.



The petitioner is directed to submit his fresh explanation (with supporting documents) pursuant to the letter no.1972 dated 27.07.2022 within four weeks from today whereafter the authorities will get the land measured, prepared a report as also map and after hearing the petitioner and perusing the documents will pass a fresh order within three months from the submission of the explanation.

The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

Prakash Narayan /-

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