

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15723 of 2023

Md. Baijuddin Ansari, son of Late Najiruddin Ansari, resident of Village Bastol P.S. Pranpur District Katihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Collector, Katihar.
3. The Deputy Development Commission-cum-Chief Executive Officer, Zila Parishad, Katihar.
4. The District Engineer, Zila Parishad, Katihar.
5. Chairman, Zila Parishad, Katihar.
6. The Circle Officer, Pranpur, Katihar.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Advocate
For the Respondent/s	:	Mr. Kameshwar Pd. Gupta, G.P.-10
		Mr. Virendra Kumar, A.C. to G.P.-10
For Resp. No.3-5	:	Mr. Krishna Sinha, Advocate
		Mr. Mohit Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-11-2023 Heard learned counsel appearing for the parties.

2. By way of this application, the petitioner has
prayed for the following reliefs:-

“i. For issuance of a writ in the nature of certiorari or an appropriate writ for quashing the letter no.1272 dated 12.08.2023 issued under the signature of Chief Executive Officer, Zila Parishad, Katihar, whereby and whereunder he has been pleased to order for removal of encroachment by Sikander Sharma.



- ii. *For issuance of a writ in the nature of certiorari for quashing the memo no. 1330 dated 26.8.2023 issued under the signature of Circle officer, Pranpur whereby and where under he has been pleased for removal of 3 shops which has been encroached by Sikander Sharma.*
- iii. *For issuance of an appropriate writ for quashing the memo no.1343 dated 28.8.2023 and memo no.1400 dated 2.9.2023 issued under the signature of Circle officer, Pranpur whereby and where under he has on his own without any direction or order which was passed in Memo No. 1330 dated 26.8.2023 also illegally put the name of the petitioner at serial no.9 though there was no any such direction for removal of the petitioner's gumti situated at Khata no. 200 Khesra no.271 measuring an area of 15'x10' total comes to 150 sq. feet as well as Khesra No.271 measuring an area of 15' x 30', total comes to 450 Sq. feet in Kursanda Mauza in the District of Katihar.”*

3. The main contention of the petitioner is that the order dated 12.08.2023 has been passed without issuance of notice to the petitioner.

4. From the record, it appears that the petitioner



has never been noticed and heard before the impugned order dated 12.08.2023 was passed.

5. In this circumstances, the order dated 12.08.2023 passed by the Chief Executive Officer, Zila Parishad, Katihar is not sustainable and accordingly, the same is quashed.

6. Though in the second proceeding the petitioner has been heard but the impugned orders dated 28.08.2023 and 02.09.2023 issued by the Circle Officer, Pranapur are as consequence to the order dated 12.08.2023. Hence, the impugned orders dated 28.08.2023 and 02.09.2023 passed by the Circle Officer, Pranapur, are also quashed. The matter is remitted to the Chief Executive Officer, Zila Parishad, Katihar, for taking fresh decision in accordance with law after hearing the petitioner.

7. With the aforesaid observations and directions, this application is allowed.

(Sandeep Kumar, J)

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