

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1731 of 2017

1. Narendra Kumar Singh and Anr Son of Late Ram Nihora Singh, Resident of Village- Madhaul Sani, P.S.- Runnisaidpur, District- Sitamarahi, At present residing at Shail Sadan, Sadhugachhi, Shekhpur, Akharaghat, P.S.- Ahiyapur, District- Muzaffarpur.
2. Alakh Narayan Jha, Son of Chandrashekar Jha, Resident of Village- Madhaul Sani, P.S.- Runnisaidpur, District- Sitamarahi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.
3. The Joint Secretary cum Director, Land Accusation and Rehabilitation, Department of Water Resource,
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The Chief Engineer, Flood Control and Water flow, Department of Water Resource, Muzaffarpur.
6. The District Magistrate cum District Collector, Sitamarahi.
7. The District Public Complain Redressed Officer, Sitamarahi.
8. The Deputy Collector cum Land Accusation Officer, Sitamarahi.
9. The Executive Engineer, Bagmati Division, Runnisaidpur, District- Sitamarahi.
10. The Rehabilitation Officer, Bagmati Project Sitamarahi cum District Land Accusation Officer under B
11. The Sub Divisional Officer, Sitamarahi Sadar, District- Sitamarahi.
12. The Sub Divisional Public Complain Redressed Officer, Sitamarahi Sadar, District Sitamarahi.
13. The Circle Officer, Runnisaidpur, P.S.- Runnisaidpur, District- Sitamarahi.
14. Sujit Kumar, Son of Late Chandeshwar Prasad Singh, Resident of Village- Bahram Nagar, P.O.- Bhansapatti, P.S.- Runnisaidpur, District- Sitamarahi.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8157 of 2018

1. Ajeet Kumar
2. Sujeet Kumar. Both are sons of Late Chandeshwar Prasad Singh, Both are residents of Village- Baharam Nagar, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Sitamarhi.
3. The Director Rehabilitation and Land Acquisition Water Resources Department Bihar, Patna.



4. The Rehabilitation Officer, Baghamati Project, Sitamarhi.
5. The Anchal Adhikari, Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1731 of 2017)

For the Petitioner/s : Mr.Ganesh Prasad Singh
Mr. Vaidehi Raman Prasad Singh, Advocate

For the Respondent/s : Mr. -Gp8

(In Civil Writ Jurisdiction Case No. 8157 of 2018)

For the Petitioner/s : Mr.Alok Kumar Jha

For the Respondent/s : Mr.Binod Kumar Sinha, A.C. to G.P.-7

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 11-01-2024

Re. C.W.J.C. No. 8157 of 2018

Head the parties.

2. The notice dated 16.04.2018 issued by the Circle Officer, Runnisaidpur, has been challenged by the petitioner as there is no section mentioned in the notice and the petitioner has been directed to remove the encroachment.

3. This kind of vague notice has to be quashed by this Court.

4. In view of the above, this application is allowed.

5. Accordingly, the notice dated 16.04.2018 issued by the Circle Officer, Runnisaidpur, Sitamarhi is hereby quashed.

6. The matter is remitted back to the Circle Officer, Runnisaidpur to issue a fresh notice in accordance with law to the petitioner mentioning the grounds for issuance of notice including the order dated 23.02.2017 passed in Appeal No. 43 of 2010.



7. The proceeding must be concluded by the Circle Officer, Runnisaidpur, within six weeks from the date of communication of a copy of this order by hearing all the parties in accordance with law.

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

Re. C.W.J.C. No. 1731 of 2017

9. Heard the parties.

10. Learned counsel for the State will seek instruction from the Collector, Sitamarhi as to whether an alternative plot can be allotted to the petitioner for rehabilitation as earlier the plot has been allotted to the petitioner is under litigation for such a long period.

11. Learned counsel for the State is directed to file a counter affidavit which shall be sworn by the District Magistrate, Sitamarhi.

12. List this case after four weeks.

(Sandeep Kumar, J)

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