

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16544 of 2015

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Hridaya Narayan Singh son of Late Bilagu Yadav Resident of village- Itahi
Gajadhara, P.S.- Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Kaimur at Bhabua.
3. The Circle Officer, Durgawati, District- Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Respondent/s : Mr. M.K. Sinha, S.C.-1

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2025 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has challenged the illegality /validity
of the notice dated 31.07.2015 issued by the Respondent No.3
by which the authority is directed to remove the house over the
land in question.

3.Learned counsel for the petitioner submits that
before issuing the aforesaid notice by which the authority has
directed to remove the encroachment over the land in question,
the petitioner has not been heard.

4. Learned counsel for the State has filed a counter
affidavit stating therein that in compliance of the order dated
12.03.2015 passed in C.W.J.C. No. 752 of 2015, the present



proceeding has been instituted against the petitioner and other persons. But, he fairly submits that before issuing the aforesaid notice, the petitioner has not been heard.

5. Having heard learned counsel for the parties and in view of the facts that before issuing the aforesaid notice the petitioner has not been heard, the notice dated 31.07.2015 (Annexure-1) is hereby set aside and the matter is remanded back to the respondent no. 3 to pass a fresh order in accordance with law after hearing all the concerned including the petitioner within a period of three months from the date of production/receipt of copy of this order.

6. With the aforesaid direction/liberty, this writ application stands disposed of.

(Rajesh Kumar Verma, J)

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