

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16926 of 2015

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Gango Sah S/o Late Ram Kishun Sah Resident of Village - Bhagwanpur,
Desua, P.S. Ujjiarpur, Distt - Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Samastipur.
3. The Deputy Collector Land Reform, Dalsingsarai, Samastipur.
4. The Circle Officer, Ujjiarpur, Samastipur.
5. Rekha Kumari W/o Kamal Singh Resident of Village - Bhagwanpur, Desua,
P.S. Ujjiarpur, Distt - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv
For the Respondent/s : Mr. Manoj Kumar Sinha, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 30-07-2025 Heard learned counsel for the petitioner and learned
counsel for the respondent-State. Nobody appears on behalf of
respondent no. 5.

2. The case of the petitioner is that in light of the
direction given by Bihar Land Tribunal, Patna in BLT Case No.
86 of 2013 on 20.05.2013, the petitioner had filed an application
before the Circle Officer, Ujjiarpur, Samastipur with a prayer
that the illegal encroachment made by respondent no. 5 over
land bearing Khata No. 560, Khesra No. 3405 (old), 5766 &
5771 (new) measuring 7 Dhur road land and 9 ½ Dhur Brahm
Sthan total 16 ½ Dhur public land be removed. This application



was given to Circle Officer, Ujjiarpur, Samastipur on 23.10.2013 which was bearing Application No. 09 of 2013. Pursuant to giving this application, the respondent no. 4 did not initiate any land encroachment proceeding under the Bihar Public Land Encroachment Act and now by written information dated 01.03.2016 (Annexure-P/9), the Circle Officer, Ujjiarpur, Samastipur has informed the petitioner that the land encroachment proceeding cannot be initiated/carried out. This written information dated 01.03.2016 (Annexure-P/9) has been challenged in the present writ application.

3. Learned counsel for the petitioner makes a limited submission by contending that manifestly, the written information dated 01.03.2016 (Annexure-P/9) issued by the Circle Officer, Ujjiarpur, Samastipur (respondent no. 4) is illegal for the reason that prior to disposing of the application of the petitioner and deciding not to initiate land encroachment proceeding, no opportunity of hearing was given to the petitioner. The petitioner, therefore, assails this written information dated 01.03.2016 (Annexure-P/9) on the ground of infraction of principles of natural justice.

4. Learned counsel appearing for the State also submits that prior to passing of Annexure-P/9, it is evident that



no opportunity of hearing was given to the petitioner as well as to respondent no. 5, Rekha Kumari.

5. For the reasons as recorded above, the written information dated 01.03.2016 contained in Annexure-P/9 is quashed and set aside and the matter is remanded back to the respondent no. 4 for deciding the entire issue afresh after initiating a proper land encroachment proceeding case under the Bihar Public Land Encroachment Act and after giving proper opportunity of participation and hearing to the petitioner as well as to the respondent no. 5, Rekha Kumari, final order must be passed by the respondent no. 4 giving reasons. It is expected that the entire proceeding will be carried out by the respondent no. 4 within a period of six months from the date of production of a copy of this order.

6. The writ application is allowed to the aforesaid extent.

(Alok Kumar Sinha, J)

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