

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9481 of 2012

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Chandrama Bhagat Son of Jagdeo Bhagat Resident of Mauza Selar Khurd, P.S.
Phulwaria, District Gopalganj

.... Petitioner

Versus

1. The State Of Bihar
 2. The Collector-Cum-District Magistrate, Gopalganj
 3. The Sub-Divisional Officer, Gopalganj
 4. The Circle Officer, Phulwaria, District Gopalganj
 5. The Bihar Bhudan Yagya Committee, Arar More, Gopalganj
 6. Most. Phulpati Devi Wife Of Late Rishideo Yadav
 7. Manoj Yadav Son Of Late Rishideo Yadav
 8. Vinod Yadav Son Of Late Rishideo Yadav
 9. Amod Kumar Yadav Son Of Late Rishideo Yadav
 10. Anita Devi Wife Of Laxman Yadav Resident Of Village Thakuri Chak, P.S.
Phulwaria, District Gopalganj.
 11. Sunita Devi Wife Of Ganesh Yadav Resident Of Village Kuchaikote, P.S.
Kuchaikote, District Gopalganj.
- All at present resident of Mauza Selar Khurd, P.S. Phulwaria, District, Gopalganj.
12. Motilal Yadav Son Of Late Ramjeet Yadav Resident Of Village & Mauza Selar
Khurd, P.S. Phulwaria, District Gopalganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Naresh Prasad, Advocate
For the State : Mr. Neeraj Raj, A.C. to S.C. 19

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 03-09-2015

Heard learned counsel for the petitioner and the State.

It is stated that encroachment from plot no.537 has been



removed but, so far plot no.688 is concerned, the same has been settled in favour of the private respondent by the Bhoodan Yagna Committee. However, it has been pointed out by learned counsel appearing for the petitioner that such stand has not been taken in the counter affidavit rather a stand has been taken that encroachment has been removed from plot no.688 also which is also apparent from the report of the Anchal Amin appended with part of Annexure A to the counter affidavit.

In the aforementioned facts and circumstances of the case, this writ application is being disposed of with a direction to the District Magistrate, Gopalganj to look into the matter, grant opportunity to the petitioner as well as all the parties concerned and take a decision with respect to the plot no.688 in accordance with law. It is made clear that if any settlement has been made by the Bhoodan Yagna Committee during the pendency of the writ application in favour of the private respondents then the District Magistrate would also be required to look into as to whether such donation of plot no.688 from erstwhile Hathua Maharaj, as alleged, was confirmed or not under Section 11(5) of the Bihar Bhoodan Yagna Act, 1954. If the grant was confirmed and, thereafter, the plot has been settled by the Bhoodan Yagna Committee in favour of the private respondents then nothing can be done in any encroachment proceeding. However, the

petitioner in such case would be at liberty to take a remedial course in accordance with law.

(Dr. Ravi Ranjan, J)

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