

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5374 of 2014

- =====
1. Chandra Bhusan Prasad Singh son of Late Anirudh Prasad Singh
 2. Baleshwar Prasad Singh son of Late Banarsi Singh
 3. Ram Kishor Sharma son of Late Sita Ram Sharma
 4. Shiv Kumar Singh son of Late Hivharsh Singh
 5. Pankaj Kumar Son of Late Kapil Devi Singh
- All Residents of village-Samho Sarladi Chhakhuti, P.O. S.S. Barari,
Police Station- Shamho, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The District Magistrate, Begusarai
3. The Deputy Development Commissioner, Begusarai
4. The Circle Officer, Shamho Akra Khurha, District-Begusarai

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Ms. Nikki Singh, Advocate

For the Respondent/s : Mr. S.A. Alam, S.C.-3

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

6 26-02-2015 Heard Ms. Nikki Singh for the petitioner and Mr. S.A. Alam, learned Standing Counsel-3 for the State.

The petitioners who are five in numbers allege encroachment on their respective raiyati lands by the authorities of the Rural Works Department in the State of Bihar stationed at Begusarai under the Pradhan Mantri Gramin Sadak Yojana. A detailed order was passed by this Court on 8.1.2015 and which would form a part of this order and whereunder this Court taking into consideration the divergent stand taken by the authorities of the State Government, directed the District Magistrate, Begusarai



to carry inspection and file counter affidavit and pursuant to the order passed, a counter affidavit has been filed today. The District Magistrate in paragraph-5(iii) of the counter affidavit filed today has stated that an inspection was conducted by a joint team on 5.1.2015 after making spot verification and after perusal of documents and whereafter it was concluded that some encroachment had been made on Plot bearing Khesra No. 1476, 1477 and 1480. The District Magistrate has stated that directions have been issued on 15.1.2015 to the authorities to either bring the land to its original form or to pay compensation for the earth extracted. He further submits that insofar as the other plots are concerned there have been no *encroachment* on other plots as mentioned in the order passed on 8.1.2015.

Having heard learned counsel for the parties and taking note of the circumstances emanating from the counter affidavit of the District Magistrate, this Court is of the opinion that in view of the stand taken by the District Magistrate regarding intrusion over the raiyati plots of the petitioner no. 1 while disagreeing on any such exercise on the plot of the other petitioners, this writ petition is disposed of with a direction to the District Magistrate to abide by his decision as reflected in his counter affidavit insofar as Plot Nos. 1476, 1477 and 1480 is concerned. However, insofar as

other petitioners i.e. the petitioner nos. 2 to 5 are concerned, since there is a debatable position as to the intrusion on their lands, these petitioners would be at liberty to take recourse to such civil law remedies as is available to them in law for redressal of the grievances, if so advised.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--