

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3868 of 2015

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1. Bahadur Manjhi son of late Dasrath Manjhi
2. Ramprit Manjhi son of late Parikshan Manjhi
3. Bindeshwar Manjhi son of late Sakal Manjhi
All resident of Mauza Chainpur (Sahdai P.P.) P.O.Sarai Dhanash , District
Vaishali.

.... Petitioners

Versus

1. The State of Bihar through District Magistrate , Vaishali.
2. Superintendent of Police , Vaishli at Hajipur.
3. Dy. Collector Land Reforms, Mahnar at Vaishali
4. Sub-Divisional Magistrate , Mahhnar at Vaishali
5. Circle Officer cum Block Development Officer, Sahdei Bujurg, District Vaishali
6. Officer Incharge P.S. Sahdei, Vaishali.
7. Officer Incharge, P.S. Desari, Vaishali
8. Rama Kant Jha Son of late Bhuneshwar Jha Resident of village Chainpur
Bagalpur P.S. Desari (Sahdei Bujurge) District Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ratan Kumar Sinha, Advocate
For the State : Mr. NADEEM SERAJ, G.P. 20
Ms. Shalini, AC to GP 20
For Respondent No.8 : M/s Ram Bilash Mahto
Manoj Kumar Singh and
Brajesh Kumar Pandey, Advocates

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 07-10-2015

Heard learned counsel for the petitioners, the State and
the respondent no. 8

Petitioners are aggrieved by the notice dated 14.202015
issued by the Anchala Adhikari, Sahdei Bujurg, District Vaishali as
contained in Annexure 2, by which they claim that, in view of the
order passed by this Court in C.W.J.C. No.16575/2011 on 16.5.2013,



an attempt is being made to dispossess them from the land for which purchas have already been granted to them under the Bihar Privileged Persons Homestead Tenancy Act, 1947. Copy of the homestead purchas have been appended as Annexure 3 series. Notices were issued upon respondent no. 8, who has appeared and filed his counter affidavit. Counter affidavit has also been filed on behalf of the respondent nos. 3 to 5.

It appears from the order of this Court contained in Annexure 1 that the petitioners were directed to move before the competent authority for execution of the order contained in Annexure 3 of C.W.J.C. No. 16575/2011. It was further directed that, in case such application was filed, let action be taken by the Deputy Collector Land Reforms concerned in accordance with law and under the provisions contained in Section 15 of the Bihar Land Disputes Resolution Act, 2009 as well as Rule 30 of the Rule concerned. However, it is further apparent from the aforesaid order that the dispute was with respect to the encroachment upon public land of plot no. 1370 as well as 1311. Plot no. 1372 was not in issue in the aforesaid proceeding.

It has been stated in paragraph no. 19 of the counter affidavit filed on behalf of the respondent nos. 3 to 5 that the proceeding concerned is only with respect to plot no. 1370. The

private respondent has also stated in paragraph no. 6 of his counter affidavit that he does not claim either in plot no. 1372 or in plot no. 1375.

Accordingly, in my view, it has to be understood that the impugned notices are not for removal of the petitioners from any portion of plot no. 1372 and as such no order is required to be passed in this matter. The authority may proceed in accordance with law in respect to the other plots which have been mentioned in the earlier order of this Court but they will not be required to proceed with respect to plot no. 1372 as, admittedly, no proceeding has been initiated with respect to that.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

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