

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19237 of 2016

- =====
1. Satendra Yadav @ Satyendra Yadav, son of Sri Janak Yadav.
 2. Raj Kishore Prasad, son of Sri Janak Yadav.
- Both are residents of village-Bishunpur Okari, Tola-Bajitpur, P.S.-Ghosi,
District- Jehanabad.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Jehanabad.
4. The Sub-Divisional Magistrate, Jehanabad.
5. The Circle Officer, Modanganj, District-Jehanabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Respondent/s : Mr. Raj Kishore Roy- GP18

Mrs. Bandana Singh, AC to GP-18

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 02-12-2016

Heard parties.

It is submitted on behalf of the petitioners that under the garb of encroachment proceeding bearing Encroachment Case No.02/2016-17 initiated with respect to Plot No.538, the petitioners are under threat to be dispossessed from their purchased land bearing Plot Nos. 794 and 1203 of an area 11 decimals situated at village-Bajitpur.

However, in my view, there is no dispute at all as the petitioners do not claim Plot No.538. It would be apparent from the notices issued upon the petitioners that the same have been issued with respect to Plot No.538.

In above view of the matter, this writ application is being disposed of with a direction to the District Magistrate-cum- Collector,



Jehanabad to measure and demarcate the Plot Nos. 794 and 1203 in presence of the petitioners and, thereafter, proceed for removal of encroachment on Plot No.538.

However, no part of Plot Nos. 794 or 1203 should be touched even if the Collector comes to the conclusion that they do not belong to the petitioners as no proceeding has been initiated upon those plots rather the same has admittedly been initiated upon Plot No.538.

The petitioners would be required to appear before the District Magistrate-cum-Collector, Jehanabad on 19.12.2016 along with a copy of this order. On that day, the District Magistrate would fix a date for measurement and demarcation. On the fixed date, the petitioners would be required to be present on the spot and the relevant date should be communicated to the petitioners on the date of appearance itself.

However, it is made clear that if the petitioners do not remain present on the date fixed for measurement and demarcation then the same would be done in their absence and for that consequential action, the petitioners themselves would be responsible.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.12.2016
Transmission Date	N.A.

