

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.23 of 2017

In

Civil Writ Jurisdiction Case No. 11838 of 2016

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1. Bathan Yadav, son of late Kusheshwar Yadav
2. Shiwan Yadav, son of late Jaldhari Yadav
Both resident of village – Dakhram, P.S. – Bahera, District –
Darbhanga.

.... Petitioners

Versus

1. The State of Bihar, through Principal Secretary, Land
Reforms Department, Government of Bihar, Patna.
2. The Collector, Darbhanga.
3. The Deputy Collector, Land Reforms, Darbhanga.
4. The Circle Officer, Benipur, District – Darbhanga.
5. Deo Narayan Yadav, son of Late Kusheshwar Yadav
6. Babu Prasad Yadav
7. Nandan Yadav
8. Binod Yadav
All sons of Late Kusheshwar Yadav.
9. Baiju Yadav, both sons of Late Jaldhari Yadav
Sl. No. 5 to 9 all residents of village – Dakhram, P.S. – Bahera,
District – Darbhanga.
10. The Officer in Charge, Bahera Police Station, District –
Darbhanga.
11. Saudagar Yadav, son of Late Lakhan Yadav, residents of
village – Dakhram, P.S. – Bahera, District – Darbhanga.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Maruth Nath Roy

For the Respondent/s : Mr. Md. Khurshid Alam (AAG 12)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

2. 01-03-2017

The review petitioners, who were some of the
respondents in Public Interest Litigation, being CWJC No.
11838/2016, which was disposed of by order dated



19.09.2016. Their grievance is that though the writ petitioners, as alleged, were encroachers upon public land and this Court disposed of the writ petition without notice to them holding that the Collector may take steps for removal of encroachment, they have been visited with notices from Collector to vacate the land without even initiating any encroachment proceeding, though earlier they have been occupied the said land for almost a century.

Heard learned counsel for State and learned counsel for the review petitioners.

Having considered the matter, we are disposing of the civil review application holding that when this Court in the Public Interest Litigation observed removal of encroachers, it did not mean nor it did so that persons should be asked to vacate the land because there being a due proceeding initiated in accordance with the Public Land Encroachment Act. The law has to be followed and it is only pursuant to a duly initiated proceeding and, if there is finding of encroachment, that removal of encroachers can be ordered and not otherwise.

We direct that the Collector, Darbhanga, would act accordingly till such time, the notices to vacate the land



forthwith being issued by the Anchal Adhikari, Benipur, pursuant to Encroachment Case No. 7/2016, shall not be given effect to.

With this observation, this review application stands disposed of.

(Navaniti Prasad Singh, J.)

(Anjana Mishra, J.)

Rajeev/-

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