

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6009 of 2016

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Laxmi Devi Wife of Sri Binda Ram Resident of Village - Govind, Pitaughia, P.S. -
Runnisaidpur, Distt. - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue Department, Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Deputy Collector, Land Reform, Sitamarhi Sadar.
4. The Sub-Divisional Officer, Sitamarhi Sadar.
5. The Circle Officer, Runnisaidpur, Sitamarhi.
6. Shatrughan Sahni S/o Sri Yogendra Sahni
7. Ram Jivan Ray Son of Nirash Rai
8. Ram Sakal Paswan Son of Lakshman Paswan Res. No. 6 to 8 resident of Village
- Govind, Pitaughia, P.S. - Runnisaidpur, Distt. - Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Respondent/s : Mr. Mithilesh Kumar Pathak- SC7

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 23-03-2017

Heard learned counsel for the petitioner and learned
A.C. to S.C.-17 for respondent nos. 1 to 5.

The present writ application has been filed for a
direction to respondent authorities to remove the encroachment made
by respondent nos. 6 to 8 on Khata No. 266, Plot No. 948 measuring
an area of 0.17 decimals situated in village Govindpur Pitaughia, P.S.-
Runnisaidpur under the district of Sitamarhi.

It is submitted by the learned counsel for the petitioner
that 17 decimals land of plot no. 948 Khata No. 266 situated in village
Govindpur Pitaughia, P.S.- Runnisaidpur under the district-Sitamarhi



were settled in favour of the petitioner vide Settlement Case No. 81 of 86/87. It is further submitted that miscellaneous application being Miscellaneous Case No. 01 of 2010/11 has been initiated by the Circle Officer, Runnisaidpur, respondent no.5. Consequently, respondent no.5 called for a report from Anchal Amin when the Anchal Amin submitted the report as contained in Annexure-3 which reflects that the land appertaining to Khata No. 266, plot no. 948 total measuring an area of 0.35 decimals is recorded in the revenue records as Gairmazarua land and from east of same, one Ramjeevan Rai son of Niras Rai amalgamated 0.2 decimals of land with his raiyati land and fenced the same with bamboo. The Revenue Karamchari also found that on 0.14 or 0.15 decimals of the aforementioned plot, the petitioner is in possession and since the issue relates to settlement to a person of Maha Dalit community, hence recommended for taking action under the settlement proceeding.

Learned A.C. to S.C.-17 submits that Misc. Case No. 01/2010-11 has already been initiated, hence appropriate direction may be given for concluding the same.

After having heard the parties and considering the nature of dispute, this Court is not inclined to interfere. However, if Misc. Case No. 01/2010-11 has still not been disposed of then it is expected from respondent no.5 to dispose of the same after giving due



opportunity to all the affected persons within a period of four months.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27/03/2017
Transmission Date	N/A

