

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20277 of 2014

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Mahendra Sah, Son of Bhola Sah, Resident of village- Mohiuddin Nagar,
P.S.- Mohiuddin Nagar, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Samastipur
3. The Deputy Collector Land Reforms, Samastipur
4. The Sub-Divisional Officer, Patori (Dhamaun), District- Samastipur
5. The Block Development Officer, Mohiuddin Nagar, District- Samastipur
6. The Circle Officer, Mohiuddin Nagar, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr. Anshuman Kumar Jha, AC to AAG-3
For the Intervenors : Mr. Ajay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 05-09-2017

Heard Mr. Surendra Kishore Thakur, learned

counsel for the petitioner, Mr. Anshuman Kumar Jha, learned AC to AAG-3 for the respondents and Mr. Ajay Kumar Singh, learned counsel appearing on behalf of intervenors namely, Ram Nath Sah and Satish Kumar Sah.

I.A. No. 9740 of 2014 has been filed for impleading Ram Nath Sah and Satish Kumar Sah as intervenor-respondents since the land in question appertaining to Khata No. 1610, Plot N. 2994, measuring an area of 2 decimals, situated in Mohiuddin Nagar, Samastipur was settled in favour of the ancestor of the intervenors by Ex-landlord, but in the revisional survey, the land in question was recorded as Anabad Bihar Sarkar.



Intervenors filed Case No. 789 of 2005 under Section 106 of the Bihar Tenancy Act before Revenue Officer, Samastipur and subsequently the correction was made and the land was again recorded in the name of the intervenors. Hence, they have valid claim on the land in question.

Accordingly, I.A. No. 9740 of 2014 is allowed.

The petitioner has preferred the present Writ application with a prayer for direction to the respondent authorities to get the encroachment removed from the land in question, on the ground that the land in question is a public land, whereas, on the contrary, the same is not a public land, which finds basis from the order passed in Case No. 789 of 2005 by the Revenue Officer, Samastipur.

In considered opinion of this Court, since the land in question is not a public land, moreover, the petitioner is not able to controvert the contention of the intervenors, this application is dismissed.

(Dinesh Kumar Singh, J)

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