

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18945 of 2014

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Ex (NK) Ram Briksha Yadav, Son of Late Basudev Yadav, Resident of
Village Pithwatol, P.O.- Usarahi , District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Collector Madhubani, District-Madhubani.
4. The Superintendent of Police Madhubani, District-Madhubani.
5. The Additional Collector (District Revenue Branch), Madhubani, District -Madhubani.
6. The Civil Sub-Divisional Officer, Jainagar, District-Madhubani.
7. The Circle Officer, Block Jainagar, District-Madhubani.
8. The Officer-Incharge Police Station - Devdha, District - Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhash Ranjan Thakur, Adv.

For the Respondent/s : Mrs. Alka Verma, AC to SC-17

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2017 Heard Mr. Vishwanad Prasad Singh, learned Senior

Counsel for the petitioner and Mrs. Alka Verma, learned AC to

SC-17 for the respondents.

The present writ application has been filed for a
direction to respondent no.3, the Collector, Madhubani to
conclude the proceeding of Miscellaneous Case No. 61 of 2013-
14.

Learned Senior Counsel for the petitioner submits
that the factual matrix of the case is that the petitioner, being an
Ex-Army personnel, the State Government settled 1 Acre 19



Decimals of land in his favour, appertaining to Khata No. 665, Plot No. 8601, situated in Mauza Devdha Jainagar, District Madhubani, out of which, the petitioner was not given possession of 68 decimals of land, which led to filing of C.W.J.C. No. 4195 of 2006, which was disposed of by a Bench of this Court, vide order dated 03.03.2011, directing the authorities concerned to give possession of the remaining land in question to the petitioner, within a period of three months from the date of receipt/production of a copy of this order. Since, the writ order was not complied with, the petitioner filed a contempt application being MJC No. 14 of 2013, wherein the stand of the Collector was that out of 68 Decimals of land, 24 Decimals of land have been encroached upon by the public and they are ready to hand over the possession of 44 decimals of land, hence, this Court vide order dated 17.04.2013 disposed of the contempt application with liberty to the petitioner to accept the possession of 44 Decimals of land and further direction was issued to the Collector to initiate appropriate proceeding against the encroachers for removal of encroachment from the remaining land in question and once, the encroachment is removed, the same will be restored to the petitioner, with a liberty to any person who is aggrieved by the order passed in contempt application, to approach either the



Collector or the appropriate Civil Court or to the DCLR. Consequently, the petitioner filed Miscellaneous Case No. 61 of 2013-14, but the same is still pending. Though, the encroachment has been removed from 24 Decimals of land, but even on 44 Decimals of land, the petitioner was not given possession and on such part of the land, the authorities are now allowing the encroachers to construct a temple. Hence, prayer is being made for directing that Miscellaneous Case No. 61 of 2013-14 be disposed of forthwith.

Mrs. Alka Verma, learned AC to SC-17 submits that she does not have any objection to disposal of the writ application with a direction to respondent no.3, the Collector, Madhubani to dispose of the Miscellaneous Case No. 61 of 2013-14.

In the Circumstance, the present writ application is disposed of with a direction to respondent no.3, the Collector, Madhubani to dispose of the Miscellaneous Case No. 61 of 2013-14, keeping in view the undertaking given by him which is incorporated in the order dated 17.04.2013 passed in MJC No. 14 of 2013 and to maintain the status quo on the land in question till the disposal of the said miscellaneous case.

(Dinesh Kumar Singh, J)

Amrendra/-

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