

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50947 of 2014

Arising Out of order dt. 1.11.14 passed in Cr. Rev. No. 04/12 by Adhoc Addl. Sessions Judge I, East Champaran (Motihari)

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1. Ram Chandra Das Son of Bansi Das
2. Jodha Das Son of Ram Chandra Das
Both Resident of Village - Uttari Bhawanipur Patwari Tola, P.S.- Sangrampur,
District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Kushwaha Son of Dahanri Prasad Kushwaha Resident of Village -
Uttari Bhawanipur Chandpur Tola, P.S.- Sangrampur, District - West Champaran

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shiv Shankar Sharma, Advocate.

For the State: Mr. Jharkhandi Upadhyay, APP

For the Opposite Party no.2: Mr. Umesh Chandra Verma,
Mr. Abhisek Kumar and
Mr. Sarad Kumar Verma, Advocates.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 27-11-2017

Heard learned counsel for the petitioners, learned A.P.P.
for the State and learned counsel for the opposite party no. 2.

2. The petitioners are aggrieved by order dated 01.11.2014
passed in Cr. Rev. No. 04/12 by which the learned Ad hoc Additional
Sessions Judge 1st, East Champaran has upheld the order dated
13.07.2011 passed in Case No. 121M/07 by the Sub Divisional
Magistrate, Areraj.

3. Learned counsel for the petitioners submits that initially
vide Annexure-1 to the present application a proceeding U/S 133



Cr.P.C. was initiated on the allegation that some portions of Plot No. 3870 from the Southern part have been encroached upon and, on asking to remove such encroachments, the second party is bent upon entering into unlawful act of assault and abuse. According to him, while the proceeding was initiated against Plot No. 3870, in course of inquiry an inquiry report was submitted showing that the encroachment is on Plot No. 3844 under Khata No. 684 measuring an area 0.02 dismals. On receipt of the said inquiry report, the Sub Divisional Magistrate passed order dated 13.07.2011 in which Plot No. 3844/1 under Khata No. 684 has been mentioned as the encroached land and, accordingly, direction was issued to remove the encroachments from the said land.

4. The learned Revisional Court considered the grievance of the petitioners and upheld the order passed by the Sub Divisional Magistrate. It has been found that so far as the encroached land is concerned, it is Khesra No. 3844.

5. Learned counsel for the petitioners has no serious argument to assail the order save and except to say that when Annexure-2 was passed, the petitioners were not heard.

6. Learned A.P.P. submits that so far as Annexure-2 is concerned, it is a mere correction of Plot No., that too, based on the inquiry report submitted by the Anchal Adhikari in which the correct



Plot No. of the land, on which encroachments were made, was mentioned. There is no illegality or infirmity in the impugned order.

7. I have heard learned counsel for the parties and perused the records. Contention of the learned A.P.P. for the State is correct inasmuch as it appears from Annexure-2 that it is in fact a correction of the Plot No. with respect to which the action for removal of encroachments was to be taken. This was challenged by the petitioners in revision but, on merit, the petitioners have failed to show that the land bearing Plot No. 3844 is not a Gairmajarua land and, if it is so, I fail to understand as to how the petitioners may challenge any action taken by the State authorities for removal of encroachments from a Gairmajarua land.

8. This application has no merit. It is accordingly dismissed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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