

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6785 of 2016

Ratan Kumar Sarkar, Son of Late Kalipad Sarker, Resident of Village- Bairiya Colony, Anchal- Bairiya, P.S.- Bairiya, District- West Champaran at Bettiah

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna
2. The District Magistrate, District- West Champaran at Bettiah
3. The Special-cum-Rehabilitation Officer, District- West Champaran at Bettiah
4. The Land Reforms Deputy-Collector, West Champaran at Bettiah
5. The Sub-Divisional Officer, Bettiah Sadar, District-West Champaran at Bettiah
6. The Circle Officer, Bairiya Block, District- West Champaran at Bettiah
7. The Officer-in-Charge, Bairiya Police Station, District-West Champaran at Bettiah
8. Suresh Sah, Son of Late Jhagaru Sah, Resident of village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
9. Most. Sanjhariya Devi, Wife of Late Sheonath Patel, Resident of village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
10. Ranjan Kumar, Son of Late Tulsi Prasad, Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
11. Harendra Deo Prasad, Son of Late Deo Narayan Patel, Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
12. Usman Mian, Son of Jumman Mian, Resident of Village- Bairiya Colony, P.S.- Bairiya, District- West Champaran at Bettiah
13. Suresh Prasad, Son of Late Nathuni Mahto, Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
14. Bunnilal Patel, Son of Mahavir Patel, Resident of village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
15. Ramadhar Sah @ Ghun son of Late Ganesh Sah, Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
16. Shyam Lal Sah, Son of Late Ganesh Sah, Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
17. Madan Patel son of Late Jangali Patel, Resident of village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
18. Pyare Lal Sah, Son of Motilal Sah, Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
19. Tapeswar Prasad, Son of Late Shikari Prasad, Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
20. Narsingh Sah, Son of Late Ganesh Sah Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
21. Most. Sona Devi, Wife of Late Banshi Sah, Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
22. Basdeo Prasad, Son of Late Laxman Prasad, Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah
23. Giren Kishore Chaudhary, Son of Late Lalmohan Chaudhary, Resident of Village- Bairiya Colony, P.S.- Bairiya, District- West Champaran at Bettiah
24. Most. Thakurdasi, Wife of Late Ganga Charan Verman, Resident of Village- Churiharwatola, P.S.- Bairiya, District- West Champaran at Bettiah



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh
For the Respondent/s : Mr. ARVIND UJJWAL- SC25

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 05-03-2018

Heard Mr. Raghunandan Kumar Singh, learned counsel for the petitioner and Mr. Upendra Pratap Singh, learned AC to SC-4 for the respondent-State.

Though, the present writ application was registered on 13.04.2016, but till date no counter affidavit has been, hence, this Court is not inclined to adjourn the matter any further for filing counter affidavit.

In view of the nature of order this Court intends to pass, this Court is not inclined to issue notice to private respondent nos. 8 to 24.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the settled land of the petitioner, which has been encroached upon by the Government agencies by constructing Government school and public road and by private respondent nos. 8 to 24 by constructing dwelling house.

It is submitted by learned counsel for the petitioner that the Rehabilitation Department, Government of Bihar settled 2 acres of



land, appertaining to Khata No. 52/2, Plot No. 183/398, measuring an area of 18 decimals, Plot No. 287/1, measuring an area of 1 acre 75 decimals and Plot nos. 181, 182/395 and 397, measuring an area of 7 decimals, in favour of Kalipad Sarkar, who is the father of the petitioner on 21.06.1966 and thereafter the petitioner's ancestor and the petitioner are paying rent continuously, but the same has been encroached upon by the government agency as well as by the private respondents by constructing school, public road as well as dwelling house. The petitioner has also filed a case before respondent no.4, the Deputy Collector, Land Reforms, Bettiah under The Bihar Land Dispute Resolution Act, 2009 though, copy of the same has been brought on record as Annexure-7, but it does not bear any case number. Hence, the learned counsel for the petitioner confines his prayer to the extent for disposal of the writ application with a direction to respondent no.4, the Deputy Collector, Land Reforms, Bettiah to dispose of the case filed by the petitioner.

In view of the confined prayer of the petitioner, it is expected from respondent no.4, the Deputy Collector, Land Reforms, Bettiah to dispose of the case, if any filed by the petitioner with regard to redressal of his grievances, if it has already not been disposed of, within a period of three months, after giving due



opportunity of hearing to all affected persons, in accordance with the provisional of law.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.03.2018
Transmission Date	

