

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7038 of 2017

Arvind Kumar, son of Dr. Yugal Kishore Singh, Resident of Village-Badharwa Jaisinghpur Dakshini Panchayat, P.O. & P.S.- Turkauliya, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, East Champaran at Motihari.
3. The Circle Officer, Turkauliya, District- East Champaran at Motihari.
4. Musafir Sah, S/o unknown,
5. Ram Lagan Mahto, S/o Late Chirkut Mahto,
6. Gopal Chaudhary, S/o Unknown,
7. Sangam Sahni, S/o Late Raghunath Sahni,
8. Nagina Chaudhary, S/o unknown,
9. Achhchhe Lal Singh, S/o unknown,
10. Sita Ram Mahto, S/o unknown,

Private respondent nos. 04 to 10 are Resident of village- Badharwa of Jaisinghpur Dakshini Panchayat, P.O. & P.S.- Turkauliya, District- East Chamaparan at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha-SC 19

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 05-10-2018

Heard parties.

The petitioner, through this writ petition, seeks removal of encroachment from the land of khesara No. 213 of an area of 03.62 acres, which according to him has been recorded in the record of rights as *Gair Mazarua Sarav Sadharan* of Mauza



Badharwa of Jaisinghpur Dazkshini Panchayat, Revenue Thana No. 87, Anchal and P.S. Turkauliya, District East Champaran.

It appears that some land encroachment proceeding was initiated and, as per the counter affidavit, the Circle Officer, Turkaulia has stated that no encroachment is existing right now save and except certain bushes and trees.

However, an affidavit has been filed on behalf of the petitioner along with some photographs showing a boundary made of bamboo and a hut is still standing besides the road which is claimed to be inside the width of the road and, thus, is yet to be removed.

In such a situation, this writ application is being disposed of with a direction to the District Magistrate, East Champaran to look into the matter himself and let the plot no. 119 appertaining to khesra no. 213, after verifying its area, be demarcated in presence of the petitioner. If any encroachment lies there then proper steps, in accordance with law, for removal of the same be taken.

In such a situation, if encroachment is still found, action should be taken against the erring officials also, who have, without proper verification, filed this affidavit stating that encroachment is not existing. However, if no encroachment is found even after



measurement of the land in presence of the writ petitioner then the writ petitioner would be required to pay a cost of Rs. 25,000/- which is to be deposited by him after a decision by the District Magistrate – cum – Collector, East Champaran, in the coffers of the Bihar State Legal Services Authority, Budha Marg, Patna, as the same would amount to unnecessarily stretching the matter and wasting time of everybody.

The writ petitioner will approach the District Magistrate, East Champaran after obtaining the certified copy of this order within a period of one week. Thereafter, the aforesaid action would be taken by the District Magistrate within a period of three weeks and a report in that regard is to be filed by him before the Registrar General of this Court also within two weeks thereafter.

(Dr. Ravi Ranjan, J)

(Madhuresh Prasad, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2018
Transmission Date	NA

