

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1468 of 2015

=====

1. Babloo Yadav, son of Late Gainu Yadav
2. Rabindra Yadav, Son of Brahmdeo Yadav, Both resident of village - Saidpur,
P.S. - Mansi, District- Khagaria.

.... Petitioners

Versus

1. The State of Bihar
2. The Collector, Khagaria.
3. The Sub Divisional Officer, Khagaria.
4. The Deputy Collector Land Reform, Khagaria.
5. District Programme Officer, Khagaria.
6. Circle Officer, Mansi, District-Khagaria.
7. Sri Manoj Yadav Son of Ghoghan Yadav
8. Smt. Gunjan Devi, wife of Manoj Yadav, both (7 & 8) are Resident of Village-
Saidpur, P.S- Mansi, District-Khagaria.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Dronacharya

Mr. Bhim Kumar Yadav, Advocates

For the Respondents : Mr. Avinash Shekhar, AC to SC 6

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2018

The present writ petition has been filed for a direction to the respondents to refrain from interfering or acquiring land appertaining to Khata No. 239 Plot No. 754 of Mauza Saidpur, P.S. Mansi (previously Gogri) District Khagaria, which is a Gairmazarua Aam Land just by the side of land of petitioners' house, which is only land/lane for ingress and egress for the family of the petitioners.

2. Learned counsel for the petitioners submits that the petitioners had constructed their house on the land vide Khata No. 238 Plot No. 755 and the land appertaining to Khata No. 239 Plot No. 754 is



a pathway (*Dagar*) which is the only means of ingress and egress to the petitioners' house. The respondents have however proposed to construct *Anganwari* Centre utilizing the land of Plot No. 754 (*Dagar*) which would block the ingress and egress to the petitioners' house.

3. Learned counsel for the respondents has filed a counter affidavit, according to which Plot No. 754, a *Gairmazarua Aam (Dagar)* land was measured by the Anchal Amin and it was found that the petitioners along with other persons had encroached upon the land by making their hut over the land proposed for construction of *Anganwari* Centre and for which Encroachment Case No. 01/2014-15 was also initiated by the Circle Officer, Mansi. Despite direction to the encroachers, they did not vacate the land and ultimately, illegal encroachment had to be removed with the help of police force.

4. Despite opportunities being granted to the petitioners, no rejoinder has been filed to controvert the stand of the respondents.

5. In the above view of the matter, this Court is not persuaded to interfere in the matter, as the petitioners have failed to take specific stand that the proposed construction of *Anganwari* Centre would in fact completely block the ingress and egress to the petitioners' house. The writ petition is dismissed.

6. However, it is made clear that the petitioners shall be at liberty to move the authorities with a representation for redressal of their grievances, if so advised.



B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.01.2018
Transmission Date	N.A.

