

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13773 of 2018

1. Shankar Mandal
2. Anandi Mandal,
Both Sons of Late Madan Mandal, Resident of Village-Sujapur
Gidhbari Chikni, P.S.-Barari, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reforms Government of Bihar, Patna.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The Sub-Divisional Officer, Katihar.
5. The Circle Officer Barari, District-Katihar.
6. Md. Muzaffar, Son of Late Naimuddin, Resident of Village-Gariya Sujapur, P.S.-Barari, District-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Adv.
For the Respondent/s	:	Mr. Sanghmitra Ghosh, AC to GP-15

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 27-07-2018

Heard learned Counsels for the petitioners and the
respondent-State.

The present Writ application has been filed for a
direction to the respondent authorities to get the encroachment
removed from the land, appertaining to Plot Nos.174, 203, 2010,
2011, Khata No.1068, situated at P.S. -Barari, District-Gaya.

It is submitted by learned counsel for the petitioners
that the land in question was settled in the name of grandfather
of the petitioner, namely, Basant Mandal, and subsequently
mutated vide Settlement Case No.02 of 1980-1981, but after



death of Basant Mandal, the father of the petitioners, namely Madan Mandal, came in possession over the land in question and after death of Madan Mandal, the petitioners and their brother, Bhola Mandal came in possession over the land in question, but the same has been encroached upon by Private Respondent No. 6, Md. Muzaffar.

This Court cannot decide the title and possession under the inherent power conferred under Section 226 of the Constitution of India, as it requires leading of evidence, which can only be decided through a proper suit.

However, it is submitted by learned counsel for the respondent -State that she is not having any objection, if the petitioners submit a representation before Respondent No.2, the District Magistrate and Respondent No.3, the Superintendent of Police of the District concerned for redressal of their grievance.

In the circumstances, the Writ application is disposed of with a liberty to the petitioners to represent before the Respondent No.2, the District Magistrate, Katihar and the Respondent No.3, the Superintendent of Police, Katihar for redressal of his grievance with regard to the land in question within a period of three weeks from the date of receipt of a copy of this order. On filing of such application by the petitioners, the



District Magistrate and the Superintendent of Police, are expected to take immediate steps in accordance with law, for redressal of grievance of the petitioners within a period of six weeks from the date of filing of the representation.

With the aforesaid observation, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

